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# **Rights-Based Development: Formal & Process Approaches in Pakistan**

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## **Contents**

<b>Acknowledgements</b>	<b>4</b>
<b>List of Acronyms</b>	<b>5</b>
<b>Abstract</b>	<b>6</b>
<b>Map of Pakistan locating trainings</b>	<b>8</b>
<b>Chapter 1 Introduction</b>	<b>9</b>
Outline of the thesis	
A core divide	
Rights & development	
<b>Chapter 2 Literature review &amp; theoretical perspectives</b>	<b>23</b>
Introduction	
Human rights: ‘given’ or ‘made’	
A formalist, centralist & pluralist divide	
Power, social relations & actors	
Human rights in a Muslim context	
Conclusion	
<b>Chapter 3 Methodology</b>	<b>57</b>
Introduction	
The RBA process in Pakistan	
Background & approach: interpretive, ethnographic case study & grounded theory	
Methods	
Methodological issues	
Conclusion	
<b>Chapter 4 Rights &amp; the ‘Enabling Framework’ in Pakistan</b>	<b>88</b>
Introduction	
Normative confusion & legalised discrimination	

	The Poverty Reduction Strategy Paper (PRSP) as a development metaphor	
	Rights in Pakistan: too 'soft' or too sensitive	
	Distinguishing means & ends	
	Conclusion	
<b>Chapter 5</b>	<b>Critical analysis &amp; 'ways of seeing'</b>	<b>119</b>
	Introduction	
	An absence of questions	
	Ways of seeing	
	Conclusion	
<b>Chapter 6</b>	<b>Rules versus interpretive approaches</b>	<b>145</b>
	Introduction	
	Enforcing rules versus social change	
	From 'eating the food of America' to internal drivers for change	
	Conclusion	
<b>Chapter 7</b>	<b>Givers or makers of rights</b>	<b>172</b>
	Introduction	
	Iqbal Sahib: from 'this is our religion' to analysis of power	
	Ideals & practice	
	'Givers' & 'receivers' of rights	
	Conclusion	
<b>Chapter 8</b>	<b>Operationalising a rights-based approach</b>	<b>212</b>
	Introduction	
	A spectrum of responses: from whose perspective?	
	Conclusion	
<b>Chapter 9</b>	<b>Conclusion</b>	<b>242</b>
	Responses to & interpretations of RBA	
	Formal & process approaches: reinforcing or transforming the structure	
	Conclusion: implications for theory, policy & practice	
<b>Bibliography</b>		<b>266</b>



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## **List of Acronyms**

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
DFID	Department for International Development
ECOSOC	Economic and Social Council
GoP	Government of Pakistan
HIPC	Heavily Indebted Poor Countries
HRCP	Human Rights Commission of Pakistan
HRW	Human Rights Watch
INGAD	Inter-agency Gender and Development Group
IPRSP	Interim Poverty Reduction Strategy Paper
MDGs	Millennium Development Goals
MoWD	Ministry of Women's Development, Social Welfare and Special Education
NCCWD	National Commission for Child Welfare and Development
NCSW	National Commission on the Status of Women
NWFP	North West Frontier Province
PIHS	Pakistan Integrated Household Survey
PPA	Participatory Poverty Assessment
PRS	Poverty Reduction Strategy
PRSP	Poverty Reduction Strategy Paper
RBA	Rights-Based Approach
RBD	Rights-Based Development
RBAP	Rights-Based Approach to Programming
ToT	Training of Trainers
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
WDR	World Development Report

## **Abstract**

This thesis examines the ways in which development actors respond to and interpret a Rights-Based Approach (RBA) to development. It draws on a case study undertaken over a period of more than two years in Pakistan. The central research vehicle is a capacity-building process on RBA involving around 300 development professionals. The thesis examines the different responses to and understandings of RBA emerging in the case study, whether there are indications of changes in thinking and practice, and how the analysis fits with existing ideas about rights and development. Analysis draws on an ethnographic perspective and on participant observation, questionnaires, interviews and a range of tools, within the RBA process and from the wider social development field.

It is argued that organisations increasingly aim to operationalise RBA through more inclusive, participatory development which enables the claiming of rights and promotes accountability for their fulfilment. One strand of RBA emphasises implementation of a universalising legal framework; another turns to more consciously political processes of struggle for, and institutional responses to, people's claims. The strands reflect a tension that runs through both the fieldwork and examined literature, between formal, centralist, and pluralist, actor-oriented approaches. Adopting one or the other of the two approaches has profound implications for what is 'seen' in development. The thesis shows that, depending on the approach taken, relations in the private sphere are either shut out or exposed, and the operation of power either hidden or revealed. Actors' responses to RBA are absorbed into, and used within, underlying debates on social relations and social and political change. In a Muslim context, responses lead people to confront sacrosanct certainties about human organisation and relations with authority. This is seen most vividly through gender relations, which are used both as a central expression, and a protector, of a particular construction of power. A formal, centralist treatment of RBA tends to reinforce existing relations through which rights are 'given' and 'received'. The thesis case study shows that, conversely, a pluralist, actor-oriented approach is more process-centred and places more emphasis on rights being 'made'. This, in itself, signals a change in actors' roles. It is argued that the energy of RBA lies in transformations in

actors and in development relationships, rather than in achievement of bounded development outputs. Significant impacts, amongst a minority of responses to RBA, grow out of actors seizing more active, politicised roles in development, despite depoliticised donor approaches.



Map of Pakistan, with locations of trainings on a Rights-Based Approach (RBA) to development

## Chapter 1: Introduction

### 1.1 Outline of the thesis

This thesis explores the ways in which development actors respond to and interpret a Rights-Based Approach (RBA) to development. What RBA ‘is’, or becomes, depends upon how actors and organisations (or those actors who steer dominant perspectives within organisations) view social and political change and relations with authority. The thesis is concerned with the extent to which responses to and interpretations of RBA signal a transformation in the relationships and assumptions through which actors approach development, as well as the ways they view their roles within it. Methods and data are limited to the germinating and ‘hybridisation’ of ideas (Merry, 1997; Abu-Lughod, 1998). They do not extend far into people’s uses of RBA, or far beyond what they and their colleagues say they are doing, to what they are observed to do. The thesis is concerned with actors’ interactions in ‘invited spaces’, and with their notions, rather than with their activities.

The thesis is a case study which is centred on a capacity-building process in Pakistan, but which also draws on the wider organisational and social development context. Macro- and micro-levels of a development context flow into the thesis from each of these layers. Chapter 4, for example, examines the ‘enabling environment’. It illustrates a development model operating in national, policy-making processes and what is typically included and excluded in dominant approaches to development; separate from this model, and cut out from it, are social and power relations that significantly affect people’s lives and development opportunities. Such relations and development approaches are mirrored in the following chapters, which explore responses to and interpretations of RBA in the central capacity-building process. Chapters 5 and 6 focus on interactions and changes within and amongst groups of actors, and Chapters 7 and 8 hone in on individuals who are particularly illustrative of interpretations of RBA.

*Chapter 1* sets out the themes with which this thesis is concerned. Themes grow out of a core divide between formal, centralist and pluralist, actor-oriented, process approaches.

Different understandings of RBA, which are primarily distinguished by centralising or circumnavigating the operation of politics and power, are examined. Rights are feeding into a wider development policy context in which there are an increasing number of arguments for more consciously power-centred, political and deeply contextualised approaches to development. The thesis is concerned with actors' constructions and uses of these approaches, with what they contribute to understandings of rights-based development, and with what rights-based development appears to contribute to development processes. In *Chapter 2*, literature is examined and theoretical perspectives assembled. A tension is explored between rights being 'given' – derived from external authority – and rights being 'made', largely created by actors themselves. In particular, the relationship between understandings of rights and of law is examined, and debates about human rights in Islam are explored. A division amongst those who stress particular injunctions that fix inequality (between males and females and Muslims and non-Muslims) and those who return to, and reinterpret, underlying vision and values, such as equality is discussed. *Chapter 3* discusses the research methodology of a case study that takes an ethnographic, interpretive approach and emphasises change and process. It draws on multiple perspectives and methods, through the three research layers, to examine existing thinking and practice about development, the extent to which some theoretical or practical transformation is triggered amongst development actors, and what they signify for approaches to development.

*Chapter 4* examines rights in the development context in Pakistan, and traces connections between the RBA process and the wider policy and social field. It explores the Poverty Reduction Strategy Paper (PRSP) as a core, policy-making process that typifies the model being challenged by some counterparts' understandings and uses of RBA. Excluded from 'development' is a world of normative and regulatory orders through which power is exercised over people's lives, particularly over women and girls (for example, through 'Islamic' laws). Discussion of the wider development field begins to point to the central importance of connecting public and 'private' spheres, and acknowledging the operation of power and gender equality as central themes. Different understandings of RBA in the development context are discussed. Understandings are particularly distinguished by those looking to some alteration in programming (the

means) and those envisaging much more profound change in development and wider social and political relationships (the ends).

A critical episode is examined in *Chapter 5*. Each training involved some form of crisis, which was triggered by attempts to apply RBA concepts to development realities and which signalled the resistance to opening up a bounded development model and enabling more critical, active roles. For some, the crisis discussed in this chapter began to open up RBA as a framework for analysing relationships and the operation of power, including those prevailing in the carefully guarded private domain. The chapter explores how more critical analysis began to affect actors' understandings of development, of change and of their roles in relation to both. *Chapter 6* contrasts formal, centralist to pluralist, actor-oriented perspectives. It does so through contrasting the different approaches of trainers, and their immediate, demonstrable impacts on counterparts<sup>1</sup>. The majority of trainers took a formal 'rules' approach, the minority took an 'interpretive' approach, both of which point to profoundly different perspectives on social and political relations as well as social and political change.

*Chapter 7* examines the deeper layers of the social context and the ways in which it informs development approaches. It explores the ways in which a formal, rules approach is promoted by those who do not necessarily subscribe to it, and who embody a tension between their formal roles and deeper identities. The chapter investigates what lies behind the reactions, hierarchies and state-society divide indicated in earlier chapters. It particularly explores the tension between norm and values, and the core (gendered) significance of a hierarchy of 'givers' and 'receivers', versus 'makers' of rights. *Chapter 8* explores issues around operationalising RBA. It examines changes in thinking and practice as well as a core distinction in forms of operationalising RBA based in 'ways of seeing', in the political perspective from which actors are looking and in *whose* perspective they are looking from. Reflecting the themes raised in Chapter 1, this chapter

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<sup>1</sup> In UNICEF's terms, 'counterparts' are development partners who have some role in the Country Programme; 'partners' and 'counterparts' are used interchangeably. All chapters also feature RBA trainers (who are also development partners) particularly Chapters 5 and 6 which focus on the Training of Trainers (ToT).



returns to implications for donors' ways of operating, for changes 'in here' as well as 'out there' amongst partners. The thesis concludes, in *Chapter 9*, by examining the spectrum of responses to and interpretation of RBA amongst development actors in Pakistan. It summarises the core theoretical and practical divide between formal and process approaches, and explores what the thesis indicates for policy and for practice.

## **1.2 A core divide**

The thesis examines the ways in which, amongst some individuals, rights and RBA remain external ideas and authoritative standards that hover above, and convey instructions to, social relations. Amongst other individuals, rights and RBA become internal, absorbed into and strengthening their entitlement and capability to take more active, politicised roles. Responses to and interpretations of RBA are distinguished between those who emphasise 'the word' (the Convention, the law, the rule, norm, injunction or instruction, within formal processes of implementation) and those who emphasise the actor, the intentions, the interests and relationships that always lie behind the word (the vision, value and power relations flowing across different 'public', 'private', social, legal and political domains).

The divide in responses to and interpretations of RBA amongst development actors in Pakistan reflects a divide in the literature and in the ways in which organisations treat the approach. On one side of the divide are clustered perspectives which assert central authority, and which emphasise formal processes, and the operation and outputs of the structure. A formal, centralist approach is 'public' in its field of vision and draws boundaries around (hierarchically divided) social, legal, political, public and private spheres. It is disconnected from, and implicitly floats above, social relations. A formal, centralist approach draws on legal centralism that recognises the state and its system of legal institutions as the only significant form of ordering in society (J. Griffiths, 1986; see Nyamu-Musembi, 2002, who connects legal centralist, legal pluralist, actor-oriented and rights-based approaches). In understandings of RBA, a formal, centralist approach stresses 'objective foundations' of international law, state-centred fulfilment of obligations, and relatively neutral, contained processes of enforcing agreed standards. A

centralist perspective characteristically avoids acknowledging or addressing politics and the operation of power, although it operates *through* the assumption of authority. A centralist perspective also resonates in particular interpretations of Islam which fix on text and rules, harness the force of 'Tradition' and stress the timeless, unchanging and unchangeable norms controlling people's choices and interactions.

On the other side of the divide are pluralist perspectives that emphasise the actor engaging with the structure. They are embedded in social relations, and recognise power relationships reflected and reinforced in institutions, and flowing across 'private', public, social, legal and political domains. Such perspectives are influenced by legal pluralist and actor-oriented literature (Nyamu-Musembi, 2002) that acknowledge multiple forms of social control including, and extending beyond, the state and its agents. Legal pluralism is centrally concerned with the forms and locations of power to construct meaning in interconnected legal, social and political spheres, which in turn legitimise and prohibit particular relations and claims (A. Griffiths, 2001a; Merry, 1998). A pluralist actor-oriented approach centres on actors' interpretations: interest lies in people's diverse conceptions and use of ideas, rather than in any abstract coherence of concepts (Nyamu-Musembi, 2002). Such perspectives connect with those who want to move past particular assumptions of authority, norms and rules in a Muslim context and explore the underlying possibility of a human rights discourse. They connect with those who argue that a relationship between rights and Islam is determined by political choice rather than doctrine (or 'the word').

The difference between formal and process approaches comes down to a difference over actors' entitlements and openings to seize more active, politicised roles. Lister (2003) illustrates the gap between formal and process approaches in her distinction between process and outcome. The struggle to achieve new rights and give meaning to those that exist is as significant as the substance of rights, so actors "appear on the stage of both theory and practice not simply as the passive holders of rights but as actively engaging with political and welfare institutions, both as individuals and in groups" (Lister, 2003:6; see also An-Na'im, 2001; Windsor, 1995). The rest of the thesis will explore how these

centralist-pluralist tensions manifest in Pakistan and what they signify for, and amongst, development processes and actors.

### **1.3 Rights & development**

Rights and RBA are increasingly claimed as part of mainstream development. As old ideological fault-lines have healed in international relations, and certainties have evaporated, so, Klug (2000) argues, there has been a search for new political and moral values to replace them. In a ‘godless age’ where there is no other shared basis of values: “Enter human rights; an idea whose time has come” (Klug, 2000:1-2).

Rights are strongly insinuated within the “new, New Poverty Agenda” (Maxwell, 2003) behind which development is increasingly reorganising. The new agenda is constructed on the international consensus behind reducing poverty via the Millennium Development Goals (MDGs), which are themselves derived from rights. The World Bank’s influential *World Development Report* (WDR), 2000-1, is an important expression of the new agenda and clearly attempts to absorb concepts of individual agency and rights. The WDR 2000-1 further expands understandings of development beyond income poverty and economic growth. It stresses social dimensions of development and redefines poverty via vulnerability and lack of power, representation and ‘voice’. As Maxwell (2001) points out, however, WDR 2000-1 lacks an explicit rights perspective and remains conceptually anchored to needs and an instrumental agenda. Equality, for example, is not discussed on grounds of social inclusion and rights, but on instrumental grounds of stability and economic growth. Human rights agendas similarly do not tend to centralise poverty reduction; rights and poverty reduction therefore overlap, but they remain two distinct agendas, predominating in different institutions that do not meet as much as they should (Thin, 2001; DFID, 2000). Wider development debates – particularly around inclusion, participation, and accountability – are meanwhile increasingly cut in a rights-based mould, but the abundance of rights language and declarations needs to be grounded with much better understanding of their conceptual and practical meaning (Gaventa, 2002:3).

Several key development agencies are interested in, or centrally committed to, RBA as a means of fulfilling human rights and poverty reduction agendas (for example, UNICEF, 1998a; UNHCHR, 2003; UNDP, 2000; DFID, 2000; SIDA, 2001; CARE, 2001). The strand of rights and RBA most evident in the UN looks predominantly ‘upwards’ to the “inspirational force” (Piron 2002:6) of the international human rights framework and the universality and legitimacy of international law. The UN Secretary General’s definition of RBA has political implications about distribution of power and resources; he describes RBA as “the basis of equality and equity, both in the distribution of development gains and in the level of participation in the development process” (A/56/326, 2001, para. 202). However, the UN tends to take a formal approach that is centred on the state fulfilling obligations, and to assert a “trumping normativity” (Gott, 2001:36). It implies that negotiations around rights have largely been settled via the UN’s own institutions and that the task now is monitoring and enforcement. The UN and other multilateral development agencies tend to emphasise ‘empowerment’ – but not power – as a central theme<sup>2</sup>. The World Bank, for example, particularly in the influential World Development Report (WDR) 2000-1, has declared empowerment central to anti-poverty programmes but without defining what empowerment means (Moore, 2001:321). There tends to be a “missing middle” between universal equality and current reality (Thin, 2001:3).

UNICEF attempts to fill the gap through a human rights-based approach to programming (RBAP or HRBAP). UNICEF sets RBA in a formal, legal, implicitly state-centred frame, which is guided by the Convention on the Rights of the Child (CRC) and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) as the most widely ratified and, for UNICEF’s agenda, directly relevant instruments (UNICEF, 1998a). For UNICEF, the aim of all programmes is the realisation of rights of all children and women; rights principles guide programming in all sectors at all phases

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2 See for example, discussion of RBA by van Weerelt/ UNDP, 2000/ 2001: references to power are scant (one single reference to RBA being “concerned also with access to decision making, and the exercise of power in general”) or vague (RBA provides a “missing element” in development “by enhancing the enabling environment for equitable development, and by empowering people to take their own decisions”) (van Weerelt, 2001:2). The political character of development tends to be described in predominantly technical (or apolitical) terms (for example, by democratic

of the programme process; all programmes aim to develop the capacities of duty-bearers at all levels to meet obligations and rights-holders to claim their rights (UNICEF, 2003:3). An Executive Directive of 1998 sets out UNICEF's organisational mandate to operationalise RBA. It states that the approach "means that we must be mindful in our development work of the basic principles of human rights that have been universally recognised and which underpin both CRC and CEDAW" including "the equality of each individual as a human being, the inherent dignity of each person, the rights to self determination, peace and security" (UNICEF, 1998a:6). Rights-based programming requires more complex analysis, attention to legal and moral obligations, and greater attention to influencing public policy, advocacy and protection, equality, dignity, empowerment, a holistic approach and partnership (UNICEF, 1998a:6).

UNICEF's interpretation of RBA is one among a range of possible interpretations. It has a 'missing middle' in lacking a bridge or institutional strategy to guide staff between the human rights instruments and programming. UNICEF emphasises a rights-based approach to programming (RBAP) rather than rights-based development (RBD). The difference between the two parallels a difference between "doing participation and being participatory", between "a technical method of programme intervention" and "a political methodology of empowerment" (Brocklesby & Crawford, 2004:14). RBAP implies direct, sequential, bounded, planned interventions while RBD would focus on changes in the underlying relationships "between and within individuals, groups and institutions" (Brocklesby & Crawford, 2004:9; see also Eyben, 2003). UNICEF's containment in RBAP is demonstrated in its own acknowledgement that it has not always adequately operationalised gender equality (UNICEF, 2003), a theme that will emerge as central in the field work in Pakistan and that extends beyond 'provision' of rights into transformation of power-based relationships.

The office of the UN High Commissioner for Human Rights (UNHCHR) has begun to move from a formal, centralist, legalistic approach towards a more assertively power-centred understanding of RBA:

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processes being strengthened and made more sustainable through accountability in decision

A rights-based approach to development identifies the underlying and usually long-term, political, economic, social and cultural reasons why some groups are poor, marginalised, discriminated against. It then helps these groups to gain a voice, to claim their rights, to be able to influence the power relationships that have marginalised them. – UNHCHR, 2003

UNHCHR's guidelines on a human rights approach to poverty reduction (2002) have nonetheless been criticised as being too legalistic. The guidelines assume that concrete entitlements of the poor give rise to specific legal obligations on the part of others, without acknowledging the difficulties the poor face in making the law serve them rather than elites (IDS, 2003). Treating law as a redressal service may make good politics but results in case backlogs of "Dickensian proportions" (Crook, 2001:2). It fails to see or address the structural causes underlying violations of rights (Carothers, 1999; An-Na'im, 2001:90).

A second strand of rights and RBA looks predominantly to the operation of politics and power. Rights imply a political relationship and normative direction of the behaviour of others towards the right holder; they can play a crucial part in organising how individuals are recognised by others and by legal and social institutions (Douzinas, 2002:379; Kabeer, 2002; Cornwall & Gaventa, 2001; Wilson, 1997; Adler, 1985). RBA is treated as an important framework for influencing unequal power relations, through analysing inequality, discrimination and the barriers to marginalised groups claiming rights (IDS, 2003; Moser & Norton, 2001). A political understanding of development, Cornwall argues, significantly sides with those whose rights are denied and strengthens the political capability of excluded actors to claim rights (Cornwall, 2002:54). A political understanding of RBA seeks to confront the social structures and relationships that determine forms and locations of power and is therefore essentially transformative (Brocklesby & Crawford, 2004:9).

The human rights framework of the Department for International Development (DFID) grows from the ground upwards, out of participatory approaches, rather than flowing 'downwards' from legal standards (Eyben, 2002). It acknowledges development as "a

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making) (van Weerelt/UNDP, 2000:9)

process of political struggle over priorities and access to resources” in which RBA “reveals these competing claims and legitimises excluded people’s efforts to strengthen their voice in the political process” (DFID, 2000:13; see also Cornwall 2002; Eyben, 2002; SIDA, 2001; CARE, 2001). The framework extracts principles which are applied to institutional development as a means of achieving the MDGs and contains three pillars: participation (how to realise rights); inclusion (who realises rights); and obligation (prioritisation of rights as locally identified entitlements; what is important and who has duties) (DFID, 2000; Eyben 2002; Farrington, 2001). RBA operates as a means for analysing causes and manifestations of power and as a basis for claims which require people’s involvement in decision-making and accountability leading to transparency, responsiveness and good governance (Eyben & Ferguson, 2004; Eyben 2002). In practice, however, RBA and fulfilment of rights tend to be absorbed as instruments for, and subservient to, reducing poverty (Piron, 2003).

The rise of a rights agenda and RBA are fuelling existing demands for much stronger understanding of the development context and the forces impacting on longer-term (political) change processes. They are fuelling new thinking about the role of donors, their relationships with national Governments and with a wider range of development partners. Such literature forms a backdrop to the thesis. New thinking particularly challenges donors to introduce agendas through which they pressurise for change ‘out there’ – for example, through bounded rights-based approaches to programming – without dealing with the implications of their agendas ‘in here’ (Eyben, 2003; Cornwall, 2002; IDS, 2001). Donors need therefore to keep abreast of their own agendas, it is argued, and understand themselves as political actors engaged in political processes. As well as building the capacity of the state, they need to support forms of collective action. They need to take greater account of context, of relationships and of long-term change processes (including transforming their own modes of operating).

Development, and development policy-making processes are, firstly, profoundly political because, at a minimum, they are concerned with influencing allocation of resources or decision-making power; failing to recognise this means that development agencies fail to take responsibility for the impacts of their interventions (CARE, 2001; see also Fulcher,

1989; Mkandawire, 2001). Rights in particular depend on power relations and operationalising rights will alter those relations (Moser & Norton, 2001:16-17). Donors therefore need to become much more sophisticated at political diplomacy and reject the “technocratic trap of sanitising political processes” (IDS, 2003; see also Brocklesby & Crawford, 2004; Eyben, 2003; Gaventa, 2002; Norton, Conway & Foster, 2001; Mkandawire, 2001; Sutton, 1999; Fenster, 1999:8). However, those agencies that are beginning to acknowledge power relationships, Eyben argues, tend to remain embarrassed by the word. They opt instead for euphemisms such as “constraints” or “entrenched hierarchy” as weak descriptions of deeply embedded inequalities and coercive forms of power (Eyben, 2002). A core question, which will be ever-present in the following chapters, is then “why ... it is so difficult to discuss easily the issue of some people having structural, political, economic and social power over others” (Eyben, 2002:23).

Secondly, and also a core theme running through the thesis, is that donors need to take greater account of context. Promoting human rights will require historical and contextual understanding of structures of relations to detect who holds the power to enable or prevent change (Merry, 1988). Donors have imported apolitical, ahistorical, technocratic and short-term solutions to development problems and treated the complex social, political, economic and institutional context as something that ‘gets in the way’ (Unsworth, 2002, 2003a). As can be detected in human rights literature and a formal, centralist approach, there is a tendency to trade in “idealised notions” when, in reality, “the ‘best practices’ donors are so fond of seeking may have more limited transferability than they would like to think” (Cornwall, 2002:54). Understanding of the context, including the political context and character of the state, is critical for understanding underlying barriers and incentives to change, and for influencing political opportunities for the poor in ways which may make a sustained impact on public policy (Unsworth, 2002, 2003a; Moore, 2002; Moore, 2001; Goetz & Gaventa, 2001). Organisations of the poor barely exist or are external creations where the state is fragmented, and it may be difficult to work within an accepted discourse of rights in cases where there are no



effective authorities against which rights can be claimed (Moore, 2001:326-7; Goetz & Gaventa, 2001; Houtzager & Pattenden, 1999).

Another core theme is, thirdly, that if the role of donors is to influence processes of change in favour of the poor and in support of people's rights, this is better done with, rather than only through, others; in addition to gaining a more sophisticated understanding of the policy context, donors also need to invest in relationships (Eyben, 2003). They need to be concerned with political and power dynamics, including whether the knowledge, spaces and actors they privilege and exclude reinforce the powerful or those with less power (Eyben, 2003; Keeley, 2001). Changes in development objectives and philosophy need to be translated into genuine changes in development norms, procedures and relationships (IDS, 2001). They demand consistency through personal, professional and organisational behaviour with more reciprocal, mutually accountable, negotiated and transparent relationships, rather than relationships based on linear and over-simplified planning, top-down targets and one-way accountability (IDS, 2001). Accountability needs to be expanded to include southern partners' accountability to their own constituencies (Brehm, 2001) and advocacy may mean less speaking directly to the powerful than supporting others to drive change (Eyben, 2003). Partnerships become more meaningful when viewed as a process which values unplanned outputs, instead of being purely a means to an end pre-determined within a hierarchical 'donor-recipient' relationship (Lewis, 1998; IDS, 2001).

Fourthly, it is increasingly argued (and will be significant for the possibility of process versus formal approaches) that donors need to promote the capacity of the state towards greater responsiveness and accountability, but also to support collective action to secure rights (IDS, 2003; Gaventa, 2002; Moore, 2001). The greatest likelihood of the poor exerting influence is through effective organisation in sufficient numbers within an environment of stable political institutions that enable civic competition for power (Moore, 2002; see also Sustainable Livelihoods in Southern Africa, 2003; Houtzager & Pattenden, 1999). Mobilisation is properly the place of non-state actors and much activity to stimulate mobilisation, empowerment and participation is counter-productive

(Joshi & Moore, 2000). Donors therefore need to acknowledge the necessity of collective action and work carefully to promote predictability, credibility and rights in an 'enabling political environment' which is conducive to collective organisations of the poor (IDS, 2003; Moore, 2001; Joshi & Moore, 2000). Mobilisation on the basis of citizenship, rights and responsibilities (rather than clientelism and patronage) offers the possibility of more inclusive organisation across ethnic, caste and other divisions (Kabeer 2002; Moser & Norton, 2001). State-led action to mobilise the poor around rights and resources may, however, be subject to elite capture and corruption; it may be exclusive and controlled, and used by dominant interests to reinforce existing power relations in the same way as "governments can use community based institutions to shunt provisioning burdens onto local people" (Cornwall, 2002:53; also Kabeer, 2002; Moore & Joshi, 1999). What is significant for the direction of change is whether public action is negatively anti-state or whether it is geared towards state transformation and the longer term building of public goods; movements for state transformation are part of 'political society' and donors need to recognise and be willing to support them (Putzel, 2002). More autonomous forms of action are therefore challenging "expert-driven processes" and spaces dominated by the powerful (Cornwall, 2002:49). As Cornwall argues "even the most cursory forms of invited participation could provide the catalyst for unexpected side effects as well as serve strategic ends, sparking collective action and leveraging open spaces for voices and visions that might otherwise have remained unheard" (Cornwall, 2002:54).

There is, fifthly, a growing body of literature that scrutinises development organisations and "situates those who invite" others into participatory spaces (Cornwall, 2002:52) - a development with significant implications for the ways in which donors engage 'externally', including through the RBA process in Pakistan. Development operates through "a system of knowledge, technologies, practices and power relationships that serves to order and regulate the objects of development and, at the same time, serves to demarcate what can and cannot be done and said within development" (J. Ferguson, 1990 in Lewis, 2002:545; also Moore, 2001; Sutton, 1999; Escobar, 1995). A long tradition of ethnographic study of the development process and 'objects' of development has only

recently turned its gaze on the ‘black boxes’ of development organisations themselves (Lewis, 2002:545). Actor-oriented approaches to the study of organisations (as opposed to approaches centred on discourse, Lewis argues, or ‘the word’) explore the production and reworking of meanings connected to development as they are formed by the different agents involved; they track the “slippages” between development goals, their pursuit in operational practice, the personal goals held by different actors, and the relations of privilege and power within and between organisations, without which organisational culture cannot be conceptualised (Lewis, 2002:545-7; Arce & Long, 2000; Long & Long, 1992). Ethnographies also break down the image of organisations as “bonded entities seeking to accomplish tasks”, instead exposing competing interest groups and power relationships which struggle over the organisation’s internal culture and external agenda (Lewis, 2002:547-54). As would be argued from a pluralist, actor-oriented perspective, power is the central concept – within and between organisations and within society at large – governing which meanings and values come to dominate a development enterprise (Lewis, 2002).

The next chapter examines literature and theoretical perspectives, particularly relating to the core divide between formal, centralist and more process-centred approaches. It explores issues raised by a more power-centred, political, contextualised approach, particularly in the tension between Islam and human rights (and particularly in reference to gender equality as a central expression of rights). Chapter 3 maps out the central research questions through which the core divide and the possibility of more power-centred, deeply contextualised approaches are explored. Research questions address: what development actors in Pakistan think about rights and why; how they see rights and development interacting; what different understandings of and responses to RBA emerge and why; and whether there is evidence of change in development actors’ thinking and practice.

## **Chapter 2: Literature review & theoretical perspectives**

### **2.1 Introduction**

Theoretical perspectives on rights-based development still need to be assembled. Much of the literature on rights and a Rights-Based Approach (RBA) is narrow in scope: it tends to give rights ‘manifesto’ treatment (Freeman, 1983:38), is overwhelmingly preoccupied with state obligations and asserts “the distant dream of the ultimate achievement of full rights for all citizens” without being grounded in empirical reality (Thin, 2001:2-3). Much of the literature which is concerned explicitly with rights and RBA therefore has a formal, centralist emphasis. A core divide, however, can be detected in the examined literature and in all stages of the fieldwork. Rights are either ‘given’ and ‘received’, or they are ‘made’. Rights, like law, are either seen trickling down through the structure, implicitly floating above social relations, or they are meshed in, and grow out of, the complexity of social relations where people construct and draw on them in deliberate ways.

On one side of the divide are therefore clustered perspectives which are ‘centralist’ and authoritative, which emphasise formal processes and the operation and outputs of the structure. On the other side of the divide, more pluralist perspectives emphasise the actor engaging with the structure. The first set of approaches prioritises the rules and authority through which the structure operates and what it produces. The second is more concerned with who generates the rules, and in whose interests. The divide manifests as a tension throughout the thesis between preservation and change, and order and disorder. Rights are absorbed by, or engage dialectically with, ideologies which either cement existing social relations or contribute to the struggles through which society might be changed. A centralist perspective connects with interpretations of Islam which stress the permanence of text, rules and norms governing human relations; a pluralist perspective connects with those who want to explore the underlying possibility of a human rights discourse and, in doing so, seek to reinterpret those rules and norms (Khundmiri, 2001; Ali, 2000; Dalacoura, 1998). As the rest of the thesis will explore, the latter perspective

entails some separation from 'the whole', and from externally driven authority and definitions, towards development of some internal authority and capability to interpret and pursue new ideas and relationships. The core centralist-pluralist divide can be detected in the ideas informing people's understanding of rights which, as will be explored, are significant for their views of social relations and change. The rest of the thesis will examine how the core divide manifests itself and what it implies for actors' uses of rights and RBA in the development context in Pakistan.

## **2.2 Human rights: 'given' or 'made'**

Defending the universality of human rights in a way that respects toleration between societies and cultures means taking a position that "cannot be objectively defended" (Dalacoura, 1998:27). The position draws "on a moral and metaphysical view of the individual which takes priority over all else" (Dalacoura, 1998:27; see also Donnelly, 1990). Human rights relate to each individual's natural capacity as a human being and contrast to other kinds of rights which are 'specific' to promises, contracts or status, such as citizenship of a particular state (Hart in Jones, 1994:81 – orig cit.). Individuals can clearly hold positive rights via rules which have legitimacy within their society. Human rights, however, imply that they are holders of rights – rather than objects of duties – regardless of the system into which they are born (Campbell, 1992; Waldron, 1987). In contrast to positive rights, human rights "appear to require the existence of moral rules which are independent of any real social recognition, in other words a 'moral law' with an ontology comparable to the traditional idea of natural law and natural rights" (Campbell, 1992:8).

The idea of human rights grows most obviously out of a Western tradition which, as following chapters will discuss, presents us with a problem for locating a compelling concept of rights across societies and cultures. A human rights concept may be especially connected to Western theories of liberalism and democracy, and reflect ideas of natural rights, natural law and Enlightenment rationalism (Jones, 1994; Windsor, 1995; Dalacoura, 1998; Donnelly, 1990). A concept of rights, however (in contrast to what a centralist approach might assume), "is not univocal and should not be considered so"

(Rosenbaum, 1980:36). In practice, in the post-colonial world, rights are no longer owned by the West: the discourse of rights undergoes a 'vernacularisation', or translation, being created and transformed by people's actual struggles and strategic use of a range of local and global norms and institutions (Merry, 1997; Abu-Lughod, 1998; see also Nyamu-Musembi, 2002; A. Griffiths, 2001a, 2001b; An-Na'im, 2001). Concepts are neither Western, nor indigenous and authentic, these being categories which are themselves "emerging as dubious artefacts of the colonial gaze" (Kandiyoti, 1998:283).

Dalacoura suggests a way of disconnecting human rights from Western origins by disconnecting them from Enlightenment rationalism. It is impossible to accept the existence of a standard in 'reason' which is shared in comparable forms by all human beings and which would take primacy over all other concerns. It may be argued, for example, that all cultures share some core universal principles but there is no guarantee that these principles would be supportive of human rights, and they would certainly not support women's rights. It would be rationally impossible to endorse human rights given the disputes across and within cultures and societies over the meaning of rationality or being human (Dalacoura, 1998). Disconnecting human rights from a rationalist, enlightenment heritage disconnects them from an exclusively Western origin. Human rights can therefore become part of humankind's common heritage, with the core argument:

... which is in effect that to believe in the sanctity of the human person and human liberty is not something that can be *proven* as worthwhile or necessary. It is not something that we can all agree on, on the basis of some shared characteristics deriving from reason. It is, like all moral ideals, a matter of *faith*, which we either have or do not. As such it is indemonstrable, self-affirming, independent of the marshalling of proof or disproof and in many ways circular in its reasoning. This is the best we can do with regard to human rights: begin with an axiom that we arbitrarily lay down, while accepting that we cannot prove it. To argue otherwise, to claim that the merits of this faith must be self-evident, is to attempt to impose it on others who may not share in it ..." – Dalacoura, 1998:29-30

The energy spent fixing the origin and constitution of rights, Windsor (1995) argues, may be itself a product of a Western frame of thought that may actually serve to keep the debate trapped in imperialist connotations. He similarly calls for a break from debating the origin of rights by arguing from the perspective of reason and agency rather than

‘moral faith’. Windsor draws on Hegel’s argument that human rights are created by Living Reason, which is an outcome of the agency and activity of human consciousness. Human rights then come full circle from a Natural Law perspective, which treats rights as inherent, to an opposite position that we make them ourselves (Windsor, 1995). We may then step out of the trap of “human rights foundationalism” – and proceed to ideas of agency, functioning and capabilities – because human rights cultures are ‘made’, not ‘given’ (Rorty, 1993:116). Instead of dwelling on ‘what is our nature?’ we may then ask ‘what can we make of ourselves?’ (Rorty, 1993:115). We may understand the discourse of human rights in categories concerned not with ‘being’ but with ‘becoming’, recognising that “man is not born free and is not even born Man in terms of the questions of human rights, but can become free” (Windsor, 1995:183).

Whether through reason (an interest in how rights are made and ‘become’) or through moral faith over-riding reason (we either ‘believe’ in rights or we do not), we can then move on from debates about the conception of rights (particularly their ‘Western’ conception) in a world in which actors constantly hybridise and translate them. What is more important is the concept of rights, whether accepted on moral, rational or political grounds, the “acceptance or otherwise of the *concept* of the human being having inalienable rights *qua* human being, the rights-holding individual” (Dalacoura, 1998:8). The concept of rights carries with it a notion of what is due to the right-holder and implies some normative direction of the behaviour of other persons and institutions (Adler, 1985; Martin & Nickel, 1980). Human rights point to a political relationship between rights-holders and institutions; they act as “one of the most globalised political values of our times” (Wilson, 1997:1). Concepts related to rights (such as ‘the individual’) may be context specific. We may nonetheless look for a dialogue on human rights amongst cultures. We may base the dialogue on gradually elaborating a set of criteria “which might help to establish the ontology of becoming” rather than fixing a particular prescriptive universalist conception (Windsor, 1995:188).

The concept of human rights draws on ideas of obligations, interests, needs, claims and autonomy. As will be explored in the following chapters, the ideas informing people’s

understandings of rights – what they emphasise and what they leave out – indicate something critical about their views of social relations and relations with authority. Needs-based accounts risk subsuming the individual in pursuit of greater goals; justifications of human rights and rights-based theories, by contrast, focus on interests and capacities of the individual right holder, rather than a broader view of societal interest (Freeman, 1983). They “*presuppose* and protect the value of individual thought and choice” (Dworkin, 1977:172). Defending universal rights on the ground of needs essential for the survival of the human race may therefore “be conducive to general human welfare but could sacrifice for its sake the rights of individuals” (Dalacoura, 1998:26; see also Feinberg, 1980; Freeman, 1983).

Onora O’Neill (1992) instead argues that people have positive rights constructed from obligations, and not from ‘fundamental’ moral, natural or human rights. She claims that the purpose of rights-based accounts is mainly political and talk of rights is a meandering way of pointing to the obligations we owe to others. Campbell (1992) counters that the value of rights does not lie in obligations but in identifying the interests from which rights are constructed. Thus, “it is to rights that we should in the first instance look, since they direct our vision towards the persons and the interests which are at stake, obligations being simply the imperative and instrumental reflection of these value assertions” (Campbell, 1992:14). The interest theory holds that “a right exists when an obligation is directed towards and grounded in the satisfaction or protection of the interests of another person, the right-holder” (Campbell, 1983:85).

The problem with theories based in needs, interests and obligations is that they do not protect against, and may reinforce, a minority determining the rights (as needs or interests) of a passive majority. As Eekelaar (1992:223) asks: “if someone has the right to determine my welfare, do I have rights in any meaningful sense?” Eekelaar distinguishes a ‘welfarist’ community, where a handful of members shape communal normative direction on the basis of interests, from a community where welfare is shaped around the recognition of each member as a potential maker of claims. Such a division can be detected in opposing approaches to social policy, which derive from opposing



visions of social relations, where people are “active choice making agents” or “sites of wants” (C. Ferguson, 1999:5). A needs-based approach to social policy would identify what those wants and resources are; a rights-based approach would strengthen the means of claiming resources (C. Ferguson, 1999). Eekelaar and Feinberg (1980) therefore point to the primacy of claims. A claim is distinguished from a demand in that claims “presuppose legitimate entitlements even if they are not recognised, while demands do not necessarily do so” (Freeman, 1983:36). Feinberg describes a world which recognises rights as claims as “one in which all persons, as actual or potential claimants are dignified objects of respect, both in their own eyes and in the view of others”; no quantity of “love and compassion, or obedience to higher authority, or *noblesse oblige* can substitute for those values” (Feinberg, 1980:155). Feinberg’s vision of a rights-claiming world brings us back to the individual. For Ruth Adler, it summarises a (Kantian) conception of “respect for persons as ends in themselves” (Adler, 1985:19).

Claiming is the basis of what is variously called the ‘power’, ‘will’ or ‘choice’ theory, which holds that “right-correlating obligations are those which subordinate the will of the obliged person to the will or legal power of another” (Campbell, 1983:85). To qualify as a right, a valid claim needs to be directed at a specific individual or institution. Under this theory, rights are “discretionary powers, powers of a legal or quasi-legal type which the holders may or may not deploy as they wish”; to have a right is “to be able to require the correlative obligation or to waive it, hence we speak of B having an obligation to A” (Campbell, 1983:87). It is “through individuals’ power of reasoned self-determination that they can have rights, these rights being for the protection of the exercise of these capacities or related to the prerequisites of rational action, such as life itself” (Campbell, 1992:5).

However, such a close relationship between rights and activities of reasoning, claiming, waiving and enforcing is clearly problematic unless we exclude categories of people with little existing power (for example, children) as rights-holders. Contract and will theories of rights are deficient in relation to such categories of people because they “emphasise the legal role of the autonomous individual who has purely external and voluntary

relations with other similar individuals entered into and maintained on the initiative of those involved” (Campbell, 1992:89). By switching from rights to obligations or other solutions we only repeat the “analytical messiness of the situation” (Freeman 1992:63). All arguments, says Freeman, will be defective and circular until we take account of autonomy, that is, the idea “that persons as such have a set of capacities enabling them to make independent decisions regarding appropriate life choices” (Freeman 1983:64). Equality and autonomy together provide the “deep structure of the rights thesis” (Freeman 1983:64). Problems remain around, for example, children’s autonomy but Freeman points out that it is “much easier to assume abilities and capacities are absent than to take cognisance of children’s choices” (Freeman 1983:66). To make progress, we must recognise the “moral integrity” of children (Freeman 1983:66). Reconnecting with an idea of rights as ‘becoming’, we must treat children and other groups of people as “persons entitled to equal concern and respect and entitled to have both their present autonomy recognised and their capacity for future autonomy safeguarded” (Freeman, 1983:66).

Themes of claiming and autonomy lead towards agency and Amartya Sen’s ideas on the connections between rights and development. Like Eekelaar, Sen values agency over ‘welfarist’ approaches, emphasising what individuals would choose if they were doing the choosing. He stands on one side of the formal, centralist versus pluralist, actor-centred divide: Sen puts primary importance on what can be exercised, on *substantive* freedom measured by individuals’ actual capabilities and functionings, rather than distribution of primary goods and formal freedom (Sen, 1999). Human development involves enhanced freedom to choose, and enhanced choice leads to capacity, with poverty understood as deprivation of crucially important capacities or capabilities ‘to do this or be that’. Sen attaches intrinsic value to human rights and freedoms, which far exceed any value attached to them as utilities or as serving societal interests, and which are far more than rhetorical. Human rights and freedoms have directly practical and material consequences: famine is not caused by failure in food supply but by failure of *entitlements* (what a person has by virtue of his or her rights) to adequate means of survival (described by different practical abilities among individuals, groups and classes to ‘command food’). Human equality and inequality, as aspects of rights and freedoms,

should be assessed through equality and inequality of capabilities; absence of capabilities should be understood as denial of freedom, with poverty as the major source of unfreedom and development defined as the “removal of substantive unfreedoms” (Sen, 1999:xii). Rights and freedom are built out of agency and capabilities, and have to be evaluated positively according to what people can actually (choose to) do or be (Sen, 1999, 1992, 1990; ODI, 2001).

Emphasising rights being ‘made’ rather than being ‘given’ may, as the thesis explores, mean trying to “have it both ways”, to hang on to the language of rights while avoiding ascribing to objective foundations (Sarat and Kearns, 2001:10). Such an approach, however, begins to move away from abstract concepts and what exists in a formal sense. It begins to make visible the many actual or potential forms of ‘rights’ which people construct in different contexts, and the forces and relationships impacting on the possibility of exercising them. Rights may be carried through ‘living’, customary law, in religious law, and in statute, constitutional and international law; they may overlap and conflict and be contained in systems which perpetuate, rather than challenge, exploitation (ODI, August 2003; Farrington, 2001; Campbell, 1992; Moser & Norton, 2001). Interaction between rights in such competing normative and legal regulatory orders becomes “centrally a struggle over distribution of power within a society [over] whose rules will govern behaviour” (Houtzager, 2001:8).

### **2.3 A formalist, centralist and pluralist divide**

Understanding of rights and RBA are strongly influenced by understandings of ‘law’. The core formal, centralist and pluralist, actor-oriented divide draws on and reflects a division between legal centralist and legal pluralist approaches. The two approaches are significantly distinguished by whether or not they recognise power relationships streaming across and connecting different spheres of activity. A positivist, formalist, centralist model of law claims a neutral relationship between state, law and government. Such a model dominates the human rights conventions and is “the basis for a rights discourse of global proportions” (A. Griffiths, 2001b:496). The ‘ideology’ of legal centralism, in only recognising the state and its system of legal institutions, implies, for

example, that customary law is a primitive form of ordering which is in transition to state law (J. Griffiths, 1986; Merry, 1988):

Such a discourse, which centres on law-as-text ... upholds an image of law that sets it apart from social life. It promotes an image of autonomy that is used to maintain law's power and authority over social relations in general, thereby sustaining a notion of hierarchy while maintaining an image of neutrality and equality within its own domain. – A. Griffiths, 2001:497

Law is not impartial application of rules, but “a continuous process of authoritative decisions”; it is “the entire decision-making process” (Higgins, 1994:2).

A centralist model of law is implied in much of the ‘manifesto’ literature predominating in the UN’s treatment of rights and RBA. Such treatment, as Thin (2001) argues of much of the human rights literature, is state-oriented; it is theoretical, philosophical and detached from practice. Much human rights literature therefore has a “missing middle” of intermediate steps between current reality and universal equality (Thin, 2001:3). The growing abundance of rights language and declarations needs to be bolted down into reality through much greater, more rigorous understanding of its conceptual and practical meaning (Gaventa, 2002).

‘Universal’ and state-centred notions of law can be an important causal force for changing existing structures of social, economic and political power, but rights will not be realised through legalistic, state-based mechanisms alone (Beckman, 2001; see also IDS, 2003; Moore, 2001; Ali, 2000). On the one hand, marginalised groups can use legal discourse to turn ‘the rules on the rulers’” (McCann, 1998:89). On the other, “law understood as a set of legal rules and the organisation of the justice system favours certain forms of organising, certain types of claims and certain strategies of claim making” (Houtzager, 2001:10; see also Baxi, 2001; Cornwall 2002). A centralist view treats law narrowly and neutrally, ignoring the ways in which it pervades everyday life and reflects “the power to enforce or regulate social relationships” (Crook 2001:3). ‘Legal centralism’ therefore tends to marginalise non-state forms of law, neglecting their impacts on livelihoods and security systems, or the contributions they might make to economic and political change (Beckman, 2001). For example, Beckman argues, “since

local property rights are often intimately interwoven with other social relationships, they could not simply be ‘taken out’ of such a system of multi-stranded and multi-functional relationships” (Beckman, 2001:51). Even if the tendency is to accept the state and state law as the primary means for change, it is nevertheless essential to “take into account the overall constellation of normative and institutional orders in which state apparatus, institutions and regulations are only one part” (Beckman, 2001:52-3).

The core problem with a formal, centralist approach is that it avoids acknowledging power, but nonetheless functions through, and is likely to reinforce, a particular structure of power distribution and relationships. Formally allocating all rights to all citizens may be profoundly inequalitarian, causing further marginalisation behind a façade of universal, formal equality which is actually unavailable – particularly, in many societies, to women (Gaventa, 2002; O’Donnell, 2000, Kabeer, 2000; C. Ferguson, 1999; Abu-Lughod, 1998; Sen, 1992). In practice, discussion of rights, entitlements, equality and empowerment is futile unless institutional power relations – particularly at the local level – support people claiming rights rather than elites extracting privileges or acting arbitrarily (IDS, 2003; Sustainable Livelihoods in Southern Africa, 2003; Kabeer, 2002; Cornwall, 2002; Crook, 2001; Narayan *et al*, 2000; Fenster, 1999). Inequalities of power and resources enable some to claim rights with more force than others: “those with the resources, power and knowledge to shape definitions of rights and how they are put into practice are able to turn rights discourses and entitlements to their advantage” (Gaventa, 2002:5). If power and political dimensions are neglected, rights and resources will certainly be captured by those with greater power; therefore, there must be careful scrutiny of the impact of power on processes aimed at redistribution – particularly at the local level – and rights and equality need to be promoted with explicit expectation of competition from more powerful actors (Sustainable Livelihoods in Southern Africa, 2003; Johnson & Start, 2001).

One of the most important ways in which a formal emphasis may serve particular interests is by being restricted to public spaces and keeping ‘private’ relations out of view. Feminists are especially concerned with a private-public dichotomy which streams through notions of law and notions of rights, and which keeps the human rights

framework conceptually and structurally unequipped for dealing with violations in the 'private' realm (Ackerly, 2000:29; see also Schuler, 1993). Seriously attending to gender inequality (as many development agencies claim to be doing) means opening up 'the community' and particularly the 'black box' of the household whose crucially important internal power divisions have been papered over into a single harmonious interest (Okin, 2003:286; Kabeer, 2003; White, 2002; Moser, 1993; Sen, 1990; Moore, 2001; Kandiyoti, 1996). Attempts at benign 'community level empowerment' ignore the micro-level as the place where much of the worst exclusion and oppression occurs (Moore, 2001:323; Fenster, 1999). The human body is the basic "territory" in the human rights discourse, and gender (or age) is therefore a basic factor (Fenster, 1999:5). Many violations of rights fall outside vertical relations between the individual, the state agent and the state, occurring instead in domains governed by religious or customary law, or amongst individuals in the private domain (Ali, 2000; Gooneskere, 1998; Butegwa, 1993 – although legally, if rarely acknowledged, the state may be held liable for violations in the private sphere and for wider failings to adopt necessary measures to safeguard individuals within its territory: Nyamu-Musembi, 2002; Gooneskere, 1998; Butegwa, 1993).

By focusing on public space, formal, centralist approaches also block out significant areas of social reality and social relations. Space is highly relevant for human rights because it impacts on and is affected by power relations in society (Goddard, 2000; Fenster, 1999; Nussbaum, 1995). Kamalkhani (1987) describes the inadequacy of Western approaches to Islam which, in a mode of formal, centralist exclusion, have entirely focused on public, visible, male-dominated space. These approaches treat textual authority as superior knowledge and over-rely on male elites as available informants. Knowledge of Islam in the West has remained partial, gendered, and fixed (derived from text and authoritative male interpretation); it has therefore neglected lived realities and practice, and particularly overlooked the private space associated with the female (Kamalkhani, 1998; Mernissi, 1991). A public-private dichotomy does not exist in Islam, partly because an Islamic conception of rights does not rest on a conception of freedom defined as "freedom from interference" (Ali, 2000:280; Nasr, 1980). In Muslim societies, law is the "loom" upon which change may (or may not) be negotiated:

To an extent unknown in the West, law shapes the private and public discourse through which social change is perceived and understood, providing the language, categories, and tools through which such change is managed. – *Women Living Under Muslim Law*, 1995:46

Beyond a centralist view of law, the “rhythms, patterns and structures of everyday life” for women in varied Muslim communities are “shaped by an intricate web of laws, rules and customs which are often said to be Islamic”. These rules – as is barely detected by a formal, centralist approach – govern individual freedom to participate in everyday social life in ways that are dramatically different for males and females; they operate as a “pervasive and powerful force” between men and women, parents and children, citizens and state, and effectively measure “‘value’ as a human being” (*Women Living Under Muslim Law*, 1995:46). As is scarcely visible to a centralist, formal approach, labelling laws as ‘Islamic’ – including those most intimately connected with the quality of people’s lives – “essentially puts them beyond the reach of the human rights laws” (*Women Living Under Muslim Law*, 1995:46).

Legal centralist approaches therefore start with law existing above, and asserting itself over, social relations and different manifestations of power. More pluralistic understandings of law are centrally concerned with social relations and promise better understanding of the different locations and forms of power which shape social continuity, transformation and change (A. Griffiths, 2001a; 2002). Legal pluralism exists where one or more legal orders occurs within a social group (J. Griffiths, 1986), or – as happens with different interpretations of human rights – the same normative element is differently reproduced in more than one context (Beckman, 1988). Rights-based approaches may therefore need to take on board more pluralistic notions of law and rights. Such notions would recognise the ways in which law and other forms of social ordering are subjectively created and interpreted, and the impacts they have on people’s capabilities to exercise rights. Pluralist accounts uncover the range of normative orders competing with, and sometimes contradicting, state law. They highlight the ideological dimensions of law, where the ways in which law is asserted and resisted express conflicts amongst dominant and subordinate groups and classes; equally, “attention to law in its

ideological role points to the power to construct modes of thinking and implicit understandings as a central aspect of its power” (Merry, 1988:890). Pluralist accounts are therefore particularly concerned with law as a form of social control and system of representation and meaning. They are concerned (as a human rights discourse is likely to be) with the forms, constitution and location of power to construct meaning, legitimate certain claims and challenge or cement hierarchies (A. Griffiths, 2002; Nyamu-Musembi, 2002; Minnow & Spelman, 1990; Singer, 1990).

Legal pluralism takes an interest in law as a “system of meanings” and cultural code through which the world may be interpreted (Merry, 1998:886). In contrast to a centralist mode, culture is not a bounded, undivided, enduring whole in pluralist accounts; it is fragmented, contested, located in power structures and constructed through human action (Sarat & Kearns, 2001; Merry, 1998). Indulging in ‘cultural sensitivity’ and turning away from norms which violate rights means exercising “unthinking tolerance” (Windsor, 1995:181; see also Sweetman, 1995). We should instead acknowledge that, particularly where gender relations are under negotiation, “there are contests around the significance attached by a society to different aspects of social constructs, and that often these contests represent challenges to hierarchical social relations” (Sweetman, 1995:18). Understanding ‘law as practice’ helps us to see the way in which law evolves through socio-legal practices, being reproduced to the extent of developing “solidity” and predictability (Houtzager, 2001:8). Law is therefore not neutral. It is created and interpreted subjectively, in ways which are favourable and unfavourable to particular actors, and legal doctrine shapes, and is shaped by, people’s use of and compliance with it (Houtzager, 2001).

Legal pluralist explanations are limited by their vagueness, open-endedness and, for Beckman (1998), lack of conceptual clarity. Legal pluralism lumps any social control or normative ordering into the category ‘law’ (Tamanaha, 1993). Yet “normative ordering is, well, normative ordering; social control is social control”, and neither of these well-established sociological concepts is interchangeable with law (Tamanaha, 1993:199). For Tamanaha (1993), law means law of the state and by losing this distinction, legal pluralists struggle to explain why table manners are not ‘law’. Woodman (1998) counters



that no empirically valid boundaries have been drawn to separate state law as a form of control, and all forms of social control are therefore of interest to legal pluralism. Legal pluralism is centrally concerned with challenging universalising assumptions which essentialise and reduce a particular model of normative ordering and social control from a particular time to a governing paradigm, and one which can be detected in a globalised human rights discourse (A. Griffiths, 2002, 2001b). Such a centralist model is in any case fanciful where, as An-Na'im (2001:98) argues, statehood in many countries is "juridical statehood under international law more than empirical sovereignty on the ground". Rather than generating bounded concepts to replace a centralist model, a pluralist perspective moves away from abstract theory, rules and institutional frameworks; it draws on ethnographic approaches and turns to actor oriented perspectives and dynamic processes concerned with the many ways in which people respond to experiences of domination and subordination (A. Griffiths, 2002). Ethnographic approaches look beyond universalist, essentialist or relativist approaches to the forms of power operating in people's lives (A. Griffiths, 2001a).

A legal centralist model contributes to a formal, centralist development model, one which absorbs a rights discourse but claims neutrality and obscures problems of power and inequalities of entitlements. Such obscuring means "to promise the possibility of development, and democracy – an idea of people, as legally equal citizens, making decisions and managing their affairs for themselves – but without the contestatory politics that are a necessary part of any functioning democracy, and are inherent within development" (Harriss, 2002:1). Harriss (2002:3) warns against subscribing to development's 'anti-politics machine' which does not address the social relationships underlying poverty (between, for example, *adivasis* and landlords in India). The development machine instead tries to deal with 'inputs' and tackle 'needs' and 'absences' as if they were not entrenched in deeper (class-based) relationships. Harriss' case against depoliticising development, through loose concepts of 'civil society', 'social capital' and 'empowerment', is:

... precisely that they stand in the way of such political analysis and potential support for political movements by promising ... democracy without the inconveniences of democratic

politics, and certainly without the dangers of supporting radical political action. – Harriss, 2002:3

## 2.4 Power, social relations & actors

As the thesis explores, the significance of rights and RBA extends beyond the formal institutions of the state, and requires an understanding of power and of the ways in which social interactions are structured. Power, Nelson and Wright (1997) argue, is experienced both in everyday encounters and as part of systems. Experiences of power within the family or in accessing resources, for example, are face-to-face, but also systematic and ideological, particularly where control is exerted by the state. For Nelson and Wright, power describes people's relation to one another within these systems; it is "not a 'thing' which people 'have'" (Nelson & Wright, 1997:8). Power, amongst many possible options, may be conceived of in two broad forms: coercive forms of *power over*, and cooperative forms of *power with* or *power to* (Lukes, 1986). Giddens (1991:211-214) describes comparable categories as "hierarchical" (the capacity to exercise will over others) and "generative" power (the means to 'self-actualisation'). Lister (2003:202) describes them as "domination" and "self-realisation".

'Power over' conceptions do tend to describe power as a 'thing'. Power is finite and is exercised within closed systems. A 'power over' conception therefore presupposes conflict within a zero-sum game (Nelson & Wright, 1997; Lukes, 1986). Such conceptions of power have negative undertones about who can adversely affect the interests of whom, who can control whom, and who can get what (Lukes, 1986). "Institutionalised forms of power", within this understanding, are a "determinant of privilege" (Gerhard Lenski in Lukes, 1986:12) and manifest in classes, status groups and parties as phenomena of power distribution within a community (Weber in Lukes, 1986). Power over conceptions may be typified by Robert Dahl's argument that power amounts to control of behaviour, such that "A has power over B to the extent that he can get B to do something that B would not otherwise do" (Dahl, 1969:80 – which, Lukes [1993:55] argues, requires us to demonstrate a counterfactual, that B would have acted differently). Bachrach and Baratz (1970, 1962) add another dimension: power is exercised over other

parties by one party (contrary to the interests of another) who sets the institutional practices and political values governing what interests may be expressed, and what issues appear on the decision-making agenda. In this dimension, conflict is not visible. Lukes (1974) adds a third dimension, where power is exercised in such a way that the status quo is treated as god-given and above questioning (see Sen [1990] on objective interests, and Kabeer [2002:21] on an “absence of questions”, below). As Nelson and Wright (1997:9) argue, Luke’s version of power extends beyond individual behaviour and institutional decision-making, and becomes “distributed in society through relations of gender, race and class, imbued with ideology”. Such a dimension of power may have particular significance in a Muslim context where, perhaps more than elsewhere, particular practices and relationships may be presented as immutable.

Hannah Arendt, on the other hand, rejects the “power question” as being one of “who rules whom” within a “command-obedience relationship”; she is interested instead in political institutions as “manifestations and materialisations of power”; power is “not the property of an individual” but “corresponds to the human ability not just to act but to act in concert” (Lukes, 1986:3). A ‘power with’ or ‘power to’ approach is concerned with who can secure achievement of collective goods; it is ever-expanding and one person’s increased power does not necessarily diminish the power of another (Nelson & Wright, 1997; Lukes, 1986; Hartsock, 1984; VeneKlasen, 2003). Power is transformative; our perspectives are treated “not as subjugated or disruptive knowledges, but as primary and constitutive of a different world” (Hartsock, 1990:171). A ‘power with’ or ‘power to’ notion is implicit in the notion of empowerment used in, for example, the influential World Bank *World Development Report* (WDR), 2000-1 (Eyben, 2002). Arendt’s cooperative conception is dismissed by Habermas, from a Marxist perspective, as too narrow and nostalgic a view of power, which fails to account for the ways in which shared understanding and convictions are systematically blocked and given spurious form in actual political societies (Lukes, 1986).

In literature on poverty, development and rights, power is usually evaded or, at most, hedged, behind its more comfortable (but typically undefined) counterpart, empowerment. Slack, top-down, technocratic reference to ‘empowerment of primary

stakeholders' actually refers to the poor and marginalised, but with scant analysis of the powerlessness and exclusion they experience (IDS briefing 15, 2001). Nelson and Wright (1997:7-11) examine empowerment within, and reaching beyond, 'power to' and 'power over' models. Within a 'power to' model, empowerment begins with examination of power operating in multiple forms of social relations, in which individuals both exercise power and have power exercised over them, and where they both challenge and reproduce such relations (Nelson & Wright, 1997; Hartsock, 1990). Empowerment begins at the personal level and extends into the capacity to influence close relationships (Nelson & Wright, 1997, with reference to Rowlands, 1992). Empowerment reaches into a 'power over' model when people, who are beginning to exercise greater control over their lives, run into institutionalised control of resources; they begin to work collectively to secure fair treatment and sustained access to those resources and to decision-making channels (Rowlands, 1992). Nelson and Wright turn to a third form of power developed by James Ferguson (1990), who is drawing on Foucault. In Ferguson's 'decentred' model of power, power is not exercised or possessed by any 'powerful subject' (be it person or institution) but is a construction of actors, institutions, discourse and events. These, in combination, cement relations in ways that expand the control of 'the state'. The state is not an actor: "it is the name of a way of tying together, multiplying, and coordinating power relations, a kind of knotting or congealing of power" (J. Ferguson, 1990:273). Ferguson examines failed development projects in Lesotho, in the wake of which – regardless of their failure – state power is permanently extended, and extended in ways that (reflecting Lukes' status quo above questioning) depoliticise both poverty and the state itself (J. Ferguson, 1990). Rowland and Ferguson are therefore asking whether 'bottom up' development processes actually covertly extend and reinforce the power and control of those at 'the top' of development.

In development literature – and particularly in "BankSpeak" (the language of the World Bank) – empowerment is closely linked to 'civil society', which is treated as homogenous and undifferentiated by power (Harriss, 2002:1), and to development agencies' "old friend", the "village community" (Moore, 2001:322; see also Cornwall, 2002). Moore questions whether there is any evidence that community organisation and empowerment

of the poor are connected. He also cautions that there is no reason to assume that decentralisation will be pro-poor; as will be important for discussion of rights in the following chapters, devolving power to local elites may simply mean decentralisation of corruption (Moore, 2001; Moore & Putzel, 1999). Moore argues that 'community empowerment' is attractive because it is unthreatening to governments and politicians and is "what game theorists call cheap talk; something that one can happily say in the knowledge that it will have no significant consequences" (Moore, 2001:322-3).

As will emerge in the following chapters, different understandings of power and 'empowerment' are implied in the core centralist-pluralist divide, which carries into the ways in which people use rights and RBA, and for what purpose: for 'power over' in an existing structure or 'power to' within forms of collective action. For Giddens, as for Arendt, human action itself implies power, understood as "transformative capacity" rather than exerting will over the resistance of others: 'action' means the capability of agents to influence a course of events by intervening or refraining from intervention (Giddens, 1979:256). As will be very significant for rights, power is therefore inherent in actors *acting*, rather than entirely separate from, external to and exercised over them. An idea of 'empowerment' therefore grows out of actors understanding power as 'transformative capacity' rather than only coercion, and links back to what actors make (including rights), rather than only what they are given.

Empowerment may have become too watered down as a concept, Mick Moore has argued and, perhaps, redistribution is a more meaningful issue on which to concentrate (ODI meeting notes, 8th November 2000). Moore (2001b), however, suggests a definition of empowerment that moves us out of the 'anti-politics machine'. He argues that a macro-economic definition of empowerment is the one most obviously implied by WDR 2000-1 and is in keeping with long-standing Marxist, leftist and social science arguments about the linkages between economic, social, cultural and political deprivation and subordination. Empowerment follows from improvements in the material status of the poor, leading to greater social, economic and political independence, and stronger personal and political freedom and autonomy. A materialist definition, however, is

ultimately 'cheap talk' which absolves public authorities and development agencies from change: material improvements will automatically trickle down from pro-poor growth already being pursued and no further action is necessary.

A second, more literal and directly political definition treats empowerment as "visibly making more powerful" (Moore, 2001:324). The practical difference between these two definitions is that the second entails effective political action with a major collective dimension; the poor cannot achieve anything politically as uncoordinated individuals. Serious discussion of empowerment in this political sense (reflecting the inter-connections of a pluralist model and an inter-related idea of rights) means collective organisation, connected across district, provincial, regional and national levels, as well as in local communities (Moore, 2001:324). If development agencies are seriously to treat empowerment as the key notion in political dimensions of poverty reduction, they are therefore embarking on a mission "both difficult and delicate" and may be landed with more political confrontation than they are prepared to face (Moore, 2001:321).

Callinicos (1987:37) suggests expanding Dahl's definition of power to: "A has the power to do x, and is not prevented from doing it". We therefore signal that A is an actor in a social context who relates to a structure, where "actions consist in the exercise of powers and the powers agents have depend on and are determined in part by social structures" (Callinicos, 1987:38). The relationship between actors and structure is likely to be significant for an idea of rights which emphasises autonomy and agency, particularly in a Muslim context where – as is discussed below – there is a powerful emphasis on external authority in a divinely sanctioned order. Victor Turner (1967:93) describes our basic model of society and social relations as "a structure of positions". We should understand the structure as being in dynamic relation to processes, including structural change, of which the structure is both product and regulator (V. Turner, 1967:112). The relationship between structure and processes – as Windsor has indicated of rights – "involves a 'becoming' as well as a 'being' vocabulary" (V. Turner, 1967:112). Structure is therefore not a fixed 'thing' but involves processes in which patterned sequences of interactive response are produced and reproduced; once they are established such sequences become "a 'mental template' or 'schema'" shaping how individuals interact

and respond to different types of situations (J. Turner, 1988:122). The social world we are studying is therefore multi-levelled, constituted by meaning, or notions, and reconstructed by the actions of members of society (Holy & Stuchlik, 1981). As is explored in the following chapters, responses to and interpretations of rights and RBA are likely to be wrapped up in these meanings, notions and structures.

For Weber (1978) – and as will be very significant for discussion of rights and social change – social action becomes structured through actors opting for particular forms of action with reference to values and norms. The action in turn reinforces the norms and values, and through them the overall structure. The weakness of Weber’s account is that it emphasises a macro-structure at the expense of micro-processes of change; norms are ‘given’ without understanding the ways in which they are produced or transformed (J. Turner, 1988:123-4). Giddens (1979, 1984) argues that human beings are motivated to structure their interactions because by nature they require trust, security and predictability. ‘Structuration’ is produced by the rules and resources individuals use to shape actions through time and space. Rules, from which the structure is partially formed, are formulae which are generalisable and which organise people’s responses in different interactions. Rules take two forms: normative rules create rights and obligations, and interpretive rules provide stocks of knowledge. Through varying mixtures of rules and resources, actors generate norms, and can in turn transform them. In Giddens’ model (and very significantly for exploring rights and change), norms feed into the power to control behaviour; they act as institutional constraints on the rules and resources to which actors have access, and to the extent of change permissible (J. Turner, 1988:147).

Agency and structure are continuously interacting, with each enabling and constraining the other, and with each action containing the possibility of both continuity and change (Giddens, 1979). As will be raised in development actors’ discussions of change in Pakistan, social history is “both the product of previous struggles to transform or conserve the structure, and, through the contradictions, tensions and power relations that constitute that structure, the source of its subsequent transformations” (Bourdieu, 1990:42). Henry (1985) echoes ideas discussed earlier about ‘hybridisation and

‘translation’. He argues that alternative normative orders associated with alternative institutions – in the following discussion, actors’ uses of rights – “do not work transformations on [capitalist] structures and rules but instead interact with them in a dialectical way such that both the alternative system and the [capitalist] order are vulnerable to incremental reformulations” (Henry, 1985:324).

Development literature increasingly focuses on the role of institutions in fulfilling or undermining rights and reducing or reproducing poverty (see Narayan *et al*, 2000). Institutions can be understood as intermediary elements of the structure, as “practices which are deeply sedimented in time-space” (Giddens, 1979:80). Institutional practices and the social relations shaping them need to be central to discussion of rights and notions of equality (Norton, 2000; Narayan *et al*, 2000). Institutions are composites of behaviours and norms which are established over time and provide actions with shared meaning or socially valued purpose (Uphoff, 1986). They are made up of the range of formal and informal relationships which give predictability and effectiveness to social interaction (Narayan *et al*, 2000). Institutions may be defined narrowly as the formal and informal ‘rules of the game’ (North, 1994) – for example, the institution of private property – or broadly as organisational structures such as the state and party system (Houtzager, 2001). Institutions also act as a resource for, and constraints on, action; for example, law-as-institution influences the collective action of and claims made by groups with less power in the political system (Houtzager, 2001).

Institutions are not neutral. They actively or unconsciously reflect and reproduce social inequalities, with those most marginalised having least access on the least equal terms (for example, to legal or political systems) (Kabeer, 2002; Cornwall, 2002; Fenster, 1999). For example – as will be highly relevant for discussion of rights in Pakistan, – durable inequality, or ‘structural disadvantage’, depends on institutionalisation of patterns of exclusion which endure in formal and informal institutional arrangements, even after direct discrimination has been eliminated (Tilly, 1998:30). There has to be a relational and institutional analysis of inequality, which understands relational constraints within which individual action occurs, instead of reducing social behaviour to bounded individual decision-making (Tilly, 1998). Seeking explanations for inequality in



individual differences in skills, knowledge, determination, or moral worth therefore fails “to the extent that essential causal business takes place not inside individual heads but within social relations among persons and sets of persons” (Tilly, 1998:33). People need to be understood as *essentially constituted* in and through relationships with others, rather than as detached individuals; this is “all the more striking for women and children, whose status may be socially and even legally defined as derived from that of an (adult male) other” (White, 2002:1098).

An “orthodox concept” of human agency (Callinicos, 1987:35) treats actors as intentional, rational and creative, as exercising causal powers and treated by others as being responsible for their choices (O’Donnell, 2000 drawing on Weber, 1968 and Rawls 1971, 1993; see also Giddens, 1991; Lister, 2003). Human agency does not involve “bundles of drives and desires constructed within social relations”, but nor does it involve abstract, disembodied beings (Callinicos, 1987:35). Agency has to be understood as embodied and relational; agents act in dialectical ways with social structures and are located in cultural and social relations (Lister, 2003; Callinicos, 1987). Doyal and Gough (1991) distinguish agency based in simple autonomy from critical autonomy that begins to constitute political participation and citizenship. The vast literature on citizenship cannot be adequately addressed here beyond noting that citizenship can be understood as an expression of agency which conceives individuals as political actors (Lister, 2003:199; Kabeer, 2002). A relational view of human agency over-rides the dichotomy between individual and community and so between the two main historical traditions of citizenship: liberalism and civic republicanism (Lister, 2003). Lister brings these two traditions together into a “synthetic approach” to citizenship that is fused by human agency and rights:

Citizenship as participation represents an expression of human agency in the political arena, broadly defined; citizenship as rights enables people to act as agents. – Lister, 2003:37

The ability to exercise agency – to make rights, rather than only receive them – is strongly affected by self-recognition, by the ways in which groups view their situation, how they define themselves, how they are externally defined, and how forms of

recognition may be changed (for example, by growth of political agency in *Dalit* communities) (Kabeer, 2002). In many contexts, individuals' status remains diminished within a hierarchy of social relationships and "coerced choices" (O'Donnell, 2000:41-2) which denies the possibility of rights, citizenship and agency (Kabeer, 2002). Rights, citizenship and agency require belief in freedom from coercion, freedom to access resources and freedom to act: "In other words, to claim one's rights, there has to be a prior belief in one's rights to have rights" (Isin & Wood, 1999 cited in Kabeer, 2002:38). Rights are crucial in organising recognition of self by others and in determining which voices are likely to be heard and respected in engagements with legal and social institutions and with dominant power structures (Douzinas, 2002:379).

Actor-oriented perspectives grow out of pluralist approaches, are centrally concerned with both institutions and agency, and connect with rights being 'made' rather than only 'given'. They ask who does and does not benefit from existing political, economic and legal structures and institutions. Actor-oriented approaches hold out the possibility of changing institutionalised understandings of rights, using "an otherwise legalistic discourse of rights in a transformative manner that translates it into an effective challenge against power inequalities" (Nyamu-Musembi, 2002:1-2 with reference to Singer, 1990; see also Minnow & Spelman, 1990). More pluralistic models of law and rights shake up an exclusive concern with the state and its agents. They look beyond legal-centralist and state-centred notions of rights to rights as defined by actual struggles, "looking for the meaning of rights from the perspective of those claiming them" (Nyamu-Musembi, 2002:1; see also, IDS, 2003; Kabeer, 2002; Gaventa *et al* 2002; Jones & Gaventa, 2002; A. Griffiths, 2001a; Ackerly, 2000; Sen, 1999). An actor-oriented approach gives greater prominence and value to non-state participants and is connected to legal literature which "calls for an evaluation of legal principles in terms of their concrete effects in a social setting, rather than in terms of the conceptual coherence of abstract principles" (Nyamu-Musembi, 2002:1-2). Actor-oriented and pluralist perspectives challenge a formal, centralist approach, looking, for example, beyond formal status such as 'citizenship' as it is defined by the state to a more dynamic view of citizenship as created through the agency of people themselves (Gaventa, 2002:4; see also O'Donnell, 2000).

Actor-oriented, pluralist perspectives therefore connect with what agents can make and how they can engage with structural change that challenges power inequalities. Structural change, as the thesis explores, appears to connect significantly with actors' (or agents') relationships with norms and values. Norms are used within dominant power structures as rules or standardised patterns of behaviour stating what people should or should not do or say under specific circumstances (Holy & Stuchlik, 1983:81; see also J. Turner, 1988). Norms are not pre-assembled sets of expectations; they are transformable by nature "but often at costs far exceeding what people are willing to pay" (J. Turner, 1988:158). Norms persist and are meaningful because they contribute to actors achieving their goals, not because they have value separately; they inform individuals' activities but they do not determine them (Holy & Stuchlik, 1981:27). As Scheffler cites an informant:

... our customs are not firm. We look only for that which will help us to live well, and the rest is just talk. – Scheffler, 1965:110

Norms denote acceptable forms of behaviours which are intended to express core values; the two, however, are usually confused, so that criticism of a norm is construed as criticism of underlying values (Windsor, 1995:186). The link between norms (or rules of conduct) and values (or the moral source in which norms and rules are rooted) is increasingly remote in 'modern' societies (Luckmann, 1996). Luckman argues that, as rules of conduct become institutionalised and enforced by public agents, they lose connections with "the 'upper reaches' of morality" which originally gave them legitimacy; morality in turn become more and more contained in a circumscribed sphere of 'religion', so modern societies no longer possess generally obligatory moral orders (Luckmann, 1996:79-80 with reference to Weber). In what Luckmann describes as "archaic societies", institutions related to religion, morality and law share a common location in the social structure; society is integrated by a moral order containing specific values and legitimated through reference to a sacred, transcendent universe (Luckmann, 1996:78). Whether in 'archaic' or modern societies, people are always caught to some extent between their individual impulses and the demands of authority which transcends the self (Heelas, 1996:7). As will be explored in a context of powerful forms of

authority, tradition and norms, a process of 'detraditionalisation' entails people separating from 'the whole', stepping back and critically assessing tradition:

As a working definition, detraditionalisation involves a shift of authority: from 'without' to 'within'. It entails the decline of the belief in a pre-given or natural orders of things. Individual subjects are themselves called upon to exercise authority in the face of the disorder and contingency which is generated. 'Voice' is displaced from established sources, coming to rest with the self. – Heelas, 1996:2

Detraditionalisation therefore involves a shift in authority; it connects back with an idea of agency to the extent of "cultivating the capacities or authority of the individual" where identity and values are no longer prescribed only by organised culture in a closed setting (Heelas, 1996:5). Detraditionalisation therefore links back to pluralist ideas which recognise multiple normative orders in operation and which challenge the claims of any one order to exclusive authority. It also links back to ideas of human agency and a dialectical relationship between individuals and the structure of which they are a part, raising issues about the power of norms and rules to determine individual choices. Each of these ideas becomes important for exploring human rights in a predominantly Muslim context.

## **2.5 Human rights in a Muslim context**

Ideas of agency and related ideas of human rights in Islam are caught in underlying debates about change, in a tension between obeying particular injunctions and entitlement to interpret vision and values. This tension relates to one running through the thesis between formal, centralist, law-as-text approaches and pluralist approaches, between 'the word' and the actor, and between conceptions and concepts. Agency is a problematic concept in Islam where, from a dominant orthodox view, people are like administrators of an estate belonging to God in which they act according to the owner's instructions (Maudoodi, 1975). Acceptance of a transcendent, all-powerful God and the powerful social tradition of the community have a significant (undermining) impact on the potential for agency (Engineer, 2001; Vatikiotis, 1987). Ideas of agency and change in Islam are connected to *ijtihad*, the "principle of movement", which means personal reasoning, striving or self-exertion, and relates to individuals' capacities to interpret

ideas, such as a human rights concept, in particular contexts (Kamali with reference to Iqbal, 1991:391, 367).

*Ijtihad* is the means of freshly interpreting the divine message contained in the Qur'an and Sunna and therefore of Islam's inherent dynamism, and of change (Ali, 2000). *Ijtihad*, many argue, has been suppressed since the ascendance of orthodoxy in the 11<sup>th</sup> century when it became "the inarticulate assumption of the community that truth had been completely revealed" (Khundmiri, 2001:47-8; see also Engineer, 2001; Ali, 2000; Vatikiotis, 1987; Kamali, 1991). The dominant source of knowledge therefore becomes "completed tradition" (Khundmiri, 2001:48). Knowledge is not advancement of the unknown to the known, but is dominated by authority. It concerns application of completed laws to apparently new situations; the universe and the human situation are ontologically closed systems in which "nothing really novel can occur", and where "identification of novelty with heresy seems to be a natural result of the illusion of finality" (Khundmiri, 2001:37, 48). In a Muslim context, particular structures of meaning – alluded to above, and contained in overlapping spheres of religion, morality and law – continue to exert powerful force over ideas of agency and the possibility of structural change (Geertz, 1983).

In Muslim contexts, human rights are therefore caught up in fundamental debates about change. Such debates, as would emerge strongly in Pakistan, are themselves fuelled by predicaments about authenticity and about modernity as "a currency circulating through all transactions", raising dilemmas of how best to become modern, what role to give to Islam, and how much of the West to follow (Abu-Lughod, 1998:8). As was striking in the fieldwork, a rights agenda is particularly implicated in "instrumentalities of power" exercised by 'the West', in which the USA has "assumed the demi-imperial role of imposing human rights on others" (Windsor, 1995:185). Human rights are therefore implicated in power politics with the efforts of the West "to support in other civilisations groups sympathetic to western values and interests" and "strengthen international institutions that reflect and legitimate Western interests and values" (Huntington, 1993:41, 49). 'Western' social and political organisation, conventions and customs are in

turn rejected in favour of Islam's 'superior' values and ideology (O'Sullivan, 1997; Vatikiotis, 1987).

The rhetoric of restoring an authentic, 'superior' culture, and a Western versus non-Western dichotomy, flows especially through an 'Islamist' discourse (Abu-Lughod, 1998) and particularly pours out, as it did repeatedly in Pakistan, in norms and rules governing the status of women. A gender myth or ideology is inferred in notions of custom and tradition, and serves particular ideological interests and contains a "persistent anxiety over sexual morality lodged at the heart of the 'modern' woman" (Shakry, 1998:282; see also Sweetman, 1995; Abu-Lughod, 1998; Ahmed, 1992). In the sensitive post-colonial world, women become potent symbols of social and national identity, and any social change requires a redefinition of women's social place and gender relations (Abu-Lughod, 1998; Paider, 1996). Women's rights in Muslim societies are inescapably "part of an ideological terrain where broader notions of cultural authenticity and integration are debated and where women's appropriate place and conduct may be made to serve as boundary markers" (Kandiyoti, 1992:246; see also Mir-Hosseini, 1999). Women have become "localised as the sphere of backwardness to be reformed, regenerated and uplifted for the benefit of the nation", and portrayed as both victims and culpable (Abu-Lughod with reference to Mitchell and Shakry, 1998:10, 282; see also Griffiths, 2001b; Hirsch, 1998; Ahmed, 1992).

Human rights, with their central emphasis on equality, obviously have strong implications for social relations. However neutrally they are presented by development agencies, they stream into ongoing sensitive debates about tradition and change. As will be discussed in presentation of the fieldwork, they particularly heighten a tension between those asserting timeless tradition, and using text as justification, versus those who view tradition as contingent. Disputes around human rights in a Muslim context are therefore shaped by the ability to harness the power of religion, and to use it to assert, or to counter, a particular structure of relations. In text-centred interpretations of Islam, Khundmiri argues, "the book is the infallibly revealed will of God" constituting a system of law and beliefs, which was practiced by the prophet as a living example, and which has been preserved by the community as a way of life: "tradition is therefore not

accretion but fundamental” (Khundmiri, 2001:44). Several writers argue, however, that the “basic tone and complexion of Islam is reformative, enjoining upon people equity and justice for all” with Islam as an inspirational force for socio-political transformations (Ali, 2000:42; see also Ansari, 2001; Engineer, 2001; Esposito & Voll, 1996; An-Naim, 1992; Ahmed, 1992; Mernissi, 1985; Khadduri, 1984; Roberts, [1925] 1980). The Prophet, Alam Khundmiri argues, “moved in history and transformed it; he made it obligatory that his followers continue this process of transformation” (Khundmiri, 2001:103). Practices in Arabia at the time set the parameters of Islamic reforms: so, for example, veiling of women was sanctioned rather than introduced and polygamy subjected to limits rather than given ongoing “unbounded license” (Roberts, [1925] 1980:2, 8-19).

The enduring power of tradition has very practical consequences in a Muslim context and, as will be further explored, very vividly infused beliefs about social relations in the context of the fieldwork in Pakistan. Farah (1984) explains the unsurpassed, continuing relevance for social relations of the 11<sup>th</sup> century authority on orthodox Islam, al-Ghazali, particularly in relation to gender issues. Women’s status remains entirely determined within institutions of family and marriage whose parameters are female purity and male honour; status may change “in degree rather than kind” because “the various Muslim countries accept the authority of Islam to determine the bounds of social progress” (Farah, 1984:4-6). Al-Ghazali’s definitive position on the rights of husbands therefore stands: “The authoritative statement in this context is that marriage constitutes a form of enslavement; thus she is his slave, and she should obey the husband absolutely in everything he demands of her ...” (Farah, 1984:120). On women’s mobility, al-Ghazali’s position has enduring relevance – “A woman is deficient; if she goes out, she will please the devil” (Farah, 1984:121; see also Imran, 1990) – as, presumably, does the literalism of his discussion of sexual relations on which “a free woman is to be consulted” and “the bondmaid is not” (Farah, 1984:35). Timelessness of injunctions carries up to the international level. Thus Saudi Arabia (supported by Pakistan) protests that Islamic law is explicit on the smallest detail regarding marriage, so Muslim countries should not be burdened with international requirements that wives be of a certain age or have equal rights (O’Sullivan, 1997:136).

As will emerge in the following chapters, religion is used in ways that present particular social relations as immutable. Those who argue against immutability do so, as with discussion of rights, through exploring the *concept* (for example, equality) rather than particular conceptions (for example, the inequality of women and ‘non-Muslims’). For Asghar Ali Engineer, the Muslim world cannot “enter the age of enlightenment” unless it rejects al-Ghazali’s views with their underlying dread of rationalism because it leads to scepticism, it leads to doubt (Engineer, 2001:33-4). Injunctions must have temporal limits because “with the abolition of slavery in most of the modernising Islamic states, no believer insists on enjoying the right granted to him by the sacred legislation” (Khundmiri, 2001:144; see also An-Na’im, 1998). Only 6 verses out of 6,660<sup>3</sup> endorse hierarchies based on gender but “the position of women in Islam appears to be determined solely on rules derived from a literal and restrictive reading of these few verses” (Ali, 2000:43; see also An-Na’im, 1990). *Purdah*, polygamy and sanctioning of concubines can be traced to particular historical moments, as can powerful social pressures to maintain patrilineal and kin honour (*‘gherrat* and *izzat*), so that “what is then paraded as an Islamic virtue is in fact rooted in the social fabric of a traditional society” (Pal, 1999:124-5; see also Mernissi, 1985; Khan, 1972).

The Qur’an is therefore inherently evolving and contains a thrust towards equality. The historical role of Shari’a was to guarantee certain minimum rights, as the first step towards equal rights for women and men, rather than to achieve immediate equality. The different standards have instead become fixed and are used to justify perpetual inequality (Ali, 2000; Kurzman, 1998; Engineer, 1992). The Qur’an was revealed over 23 years with the evolution of ideas, progress and pluralistic interpretations integral to the vagueness of many of its injunctions; Shari’a is not homogenous because its interpretation depends on sources influenced by cultural and historical differences, colonial experiences, sect or school of jurisprudence and the political and economic policies of the state (Ali, 2000:41-2). In different societies, however, “Muslim women have been led to

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<sup>3</sup> Qur’an, verses 2:221. 2:228 (different values of evidence), 2:282; 24:30 (reside in seclusion and be veiled outside the house), 4:3, 4:34 (men are in charge)



believe that the only way of life possible for Muslim women is the one culturally imposed on us in each of our contexts” (Women Living Under Muslim Law, 1995:45).

Islam as a source of inspiration for concerted and concrete socio-political transformations, Ansari suggests, may have become stagnant along with its earlier spirit of intellectual enquiry (Ansari, 2001:19). Consequently, Ansari fears “the creation of a siege mentality which forecloses any attempt for a serious and considered engagement with Islam or within Islam” (Ansari, 2001:22). With regard to relations internally (particularly with the “increasing sacralisation of politics”) and with the ‘outside’:

It is today virtually impossible for a Muslim to interrogate Islam given the space s/he occupies within the community and the space that community occupies in the larger context. – Ansari, 2001:23-4

Resurgence of “Islamic fundamentalism” can be taken by realists and pessimists as evidence that a search for common laws and standards is doomed because “primordial loyalties, values, attitudes, ethnic and linguistic particularities continue to undermine new elements of commonality” (Ramazani, 1984:x). Vatikiotis argues that a repeating clash between ‘tradition’ and ‘modernity’ will continue to generate a “condition of stasis” through the Middle East, from Turkey to Sudan and Pakistan to Morocco: “Unless, of course, Muslims somehow resolve their central problem of the relation between power and faith, or between religion and public order” (Vatikiotis, 1987:56).

Disputes about human rights and Islam are significantly disputes about power. Religious, legal and political identity continue to overlap to the extent it may be argued that no believer may accept law derived from non-Muslim sources; if the only transcendent referral for Muslim public and private order is the divine, then religion becomes a “potent ideological force” which raises fundamental problems for individual rights, the relationship between citizens and the state, and the political integration of ‘non-Muslims’ (Vatikiotis, 1987:12; see also Lewis, 1976). Vatiokitis argues that a core ingredient in an ideal Islamic polity (“in which power and sanctity are once again fused”) and “perhaps the only tangible one – is a very mundane struggle for power and the control of the state”

(Vatikiotis, 1987:34). In Pakistan, for example, religion has been subject to, and used by, political forces. Politics in contemporary Pakistan have been a “ruthless power struggle” (Pirzada, 2000:235-6) around which Islam and democracy have often existed in form rather than substance (Exposito & Voll, 1996:102). Religion has been subject to – rather than the guide of – social and political forces, as was exemplified by the 1970s “marriage of convenience” between Zia and the spokesperson for orthodoxy, Maudoodi (Exposito & Voll, 1996:110). Islamic institutions have been used to introduce measures which diminish the status of women and ‘non-Muslims’ (Ahmadis and ‘protected’ [*dhimmi*] Christians); they have been used to bring an Islamic façade to a regime of martial law which was widely characterised as being under the authority of the “three As”: Allah, the Army and America (Exposito & Voll, 1996:102-114; see also Pirzada, 2000; Malik, 1997).

Those who want to justify a human rights discourse in Islam tend to argue on the grounds of a liberal inclination, which begins to assert the kind of active, interpreting roles that are central to the following chapters. Kurzman defines three major traditions in Islam as customary, revivalist, and liberal. Within liberal Islam there are three principle modes: silent (liberal positions may be adopted on subjects Shari’a leaves open to human ingenuity); liberal (Shari’a explicitly sanctions liberal positions); and – echoing an important theme in the thesis – interpreted (Shari’a is divinely inspired but subject to multiple human interpretations):

The fear of being accused of apostasy applies to all forms of liberal Islam – indeed, it hangs over all Islamic thought that is not impeccably orthodox – but is especially potent in the case of the ‘interpreted’ Shari’a ... – Kurzman, 1998:6-13, 18.

Liberal Islam may be summarised through three core arguments: accepting the historicity of Islam and revelation; reinstating the right to interpret (*ijtihad*) with a liberal impulse; and law having the purpose of serving humankind, and therefore being adaptable to human needs (without which there is no effective accountability for its execution) (Dalacoura, 1998:58-64; An-Na’im, 1998; Khadduri, 1984; Engineer, 1992). Conflicts between authoritarianism and liberalism again parallel conflicts between centralist and pluralist approaches or those emphasising the letter of the law and those pursuing vision.

The threat of authoritarianism in Muslim contexts does not lie in the essentials of religious doctrine but in contextual factors of politics and power, and of historical and political culture (Esposito & Voll, 1996:198). If we move beyond the urge to 'essentialise' (Salvatore, 1997:144; Said, 1981, 1978; Bassam Tibi, 2001, Kramer, 2000), Islam is not inherently illiberal and "is not 'something' independent of the societies which give expression to it" (Dalacoura, 1998:41-2). We should therefore move from stereotypes to a particularist social-political approach to problems facing Muslim countries, where support for, or rejection of, human rights is grounded in social and political conditions of particular societies, rather than Islamic doctrine (Dalacoura, 1998:41-2). Research in Pakistan, however, has over-emphasised events, personalities and privileged groups at the expense of examining the social and political conditions, and values, of Pakistan's larger publics (Weinbaum, 1996:640).

In discussion of rights and Islam, or discussion of rights in any context, we therefore need to move from essences to the particular forms of power and interests shaping a structure of relations and controlling the possibility of change. An Islamic mission of emancipating human beings, Shaheen Sardar Ali argues, can ultimately be evaluated only in the context of the various cultures that modify, refine, diffuse and apply its norms. The gulf between the Islamic vision of women's human rights and the realities in different social contexts is an outcome of male interpretations of religious text and the effort to maintain gender inequality as the Qur'an's core theme (Ali, 2000; Women Living Under Muslim Law, 1995).

"Mechanical interpretation" of the Sunna is therefore "a case of the contingent getting a status of the eternal" (Khundmiri, 2001:142). Pal points to an underlying tension in Islam between ethics (or morality) and law, which has profound implications for the possibility of a human rights discourse (and again parallels debates around centralist-pluralist and legalistic versus actor-oriented approaches). Alam Khundmiri argues that Sufis have always looked beyond what is legally permissible to what is ethically justifiable but that "Islamic civilisation lacked this perspective and its further intellectual expansion suffered much on account of the approximation of law with morality" (Khundmiri, 2001:50). The fundamental tenets of religion do not necessarily lead to any particular legal injunctions

or moral commandments; an ethical vision may have historical roots whereas an actual legal injunction is necessarily a specific response to actual temporal situations and “there always remains a gap between the basic ethical vision and the actual commands and injunctions” (Khundmiri, 2001:140). Paralleling a formal, centralist and pluralist, interpretive divide, the gap is particularly revealed “in the lifestyle of those who prefer to act according to the letter of the law and those who prefer to strive to get at the historical vision” which may be shared by more than one set of beliefs, commands or injunctions (Khundmiri, 2001:140; see also Engineer, 1992). Khundmiri therefore concludes that whether or not a human rights or humanistic tradition grows depends upon “soil” (a democratic context which breaks the “elitist tradition of medieval Islam”) rather than essences. He advocates an understanding of ‘Islam as value’ which connects back with the understanding of rights centred in a concept rather than any particular conception; Islam can only survive as vision, not as the letter of the law, for – quoting Umayyad Prince Umar II (717-20) – “The prophet came to summon men to the Faith, not to collect taxes” (Khundmiri, 2001:272).

## **2.6 Conclusion**

In Muslim contexts particularly, it has been argued, there are rules governing a structure of relations (the fixed ‘letter of the law’) which are treated by particular actors as immutable. Such rules, and actors asserting them, are in tension with an urge to interpret vision and values in ways which may construct alternative relationships or an alternative structure, particularly in ways that will address inequalities. The thesis explores how human rights and RBA are used within this tension to influence it in one direction or another. A related theme running through much of the literature has been whether a concept, if not fixed conceptions, can be meaningful in particular contexts. An-Na’im (2001) argues that a tension between the particular and universal will continue where specific structures and processes of social injustice are impacted upon by the force of globalisation and by demand for human rights. He argues, with Windsor (1995), for a search for consensus around the normative content and ways of implementing human rights. A human rights project will be realised through “a congruence of societal

responses to injustice and oppression” rather than transplanting a fully developed model and mechanisms of implementation across societies (An-Na’im, 2001:95). The thesis will explore whether pursuing the concept rather than a very particular conception leaves us with a workable challenge. It explores whether we can move beyond rights as “knock-down arguments” (Waldron, 1987:165), disconnect from particular foundations and models, and yet still ‘have it both ways’. The thesis explores whether we can be vague and selective but still find a meaningful and compelling (and responsible) concept of rights and RBA which can be applied in development processes. It will examine, particularly through contrasting formal and process approaches, how rights might be ‘made’ by actors, instead of only being ‘given’ and ‘received’.

If rights and RBA need to be embedded in, rather than float above, social relations, then they are caught up in a dialectical relationship between the individual and the structure (Bourdieu, 1977), where action has political rather than neutral implications in strengthening or challenging the status quo. The rest of the thesis examines how donors and counterparts can engage with an inherently political, power-centred agenda, in a context in which a particular order is effectively sacralised, without being reckless, ‘sanitising political processes’, leaping on the ‘anti-politics machine’ or imposing ‘human rights imperialism’.

## **Chapter 3: Methodology**

### **3.1 Introduction**

The methodology discussed in this chapter does not relate only to the methodology of the thesis, but to methodology as a part of the Rights-Based Approach (RBA) being examined. This thesis is a case study, at the centre of which is a capacity-building process on RBA involving development professionals from multi-lateral organisations, Government, international and national NGOs, and civil society. The RBA process is the central one of three research layers which, together, flow into the thesis. The second research layer draws on the broader context of UNICEF's programming and organisational adjustment to RBA; the third layer takes in the wider development context, including the legal framework and national, policy-making processes, and the social context within which they are set. The thesis case study, as is clear in Chapter 4, therefore draws on the social development context in Pakistan, with its structured core being a particular development process.

The research methodology takes an ethnographic, interpretive approach that absorbs multiple perspectives and is geared towards grounded theory rather than testing hypotheses. The case study reaches into all provinces of Pakistan and, in the central thread of the research, draws on the perspectives of almost 300 development professionals. It aims to examine how development actors respond to and interpret a Rights-Based Approach (RBA) to development. It tracks what was exposed, through the case study, about existing thinking and practice, and the extent to which some theoretical or practical transformation was triggered amongst partners. Through that, it gauges what RBA implies for development thinking and practice, according to lessons grounded in the development context in Pakistan. Methods within the central process are built around four questions to build up a picture of counterparts' responses to, and uses of, RBA, and the changes RBA may imply for existing development approaches. The questions are: what do partners think about rights and why; how do they see rights and development

interacting; what different understandings of and responses to RBA emerge and why; and is there evidence of change in development actors' thinking and practice?

The central thread is my work with UNICEF in Islamabad, from October 1999 to August 2002, in a post supported by the Department for International Development (DFID). My role in Pakistan was to contribute to programming on children's and women's rights. Through these responsibilities, I became part of the small team most interested and active in exploring UNICEF's organisational mandate to adopt a Rights-Based Approach to Programming (RBAP). The relationship between rights and development was interpreted in particular ways by those, including me, who designed and implemented the process and who had been working on themes of children's rights and gender equality for some time. Other colleagues may not have placed the same emphasis on gender equality and on breaking down planning as an area of exclusive 'expertise' towards more participatory approaches to development programming. I became less concerned with outcomes produced through activities than with tracking the ways in which the ideas contained in RBA were reacted to, mediated and transformed by different actors. The thesis therefore became less concerned with 'outputs' than how counterparts' responses to and uses of RBA transformed their relationships, 'ways of seeing' (Berger, 1972) and assumptions within development (which, in many cases, connected with changes they described in their non-professional lives). All elements of the research were concerned not only with 'the idea' under discussion within development programming (for example, the theoretical and practical meaning of equality in a child immunisation programme), but also with the significance of interactions and relationships between different actors involved (for example, how inequality was manifest between actors and in discussion of social relations).

### **3.2 The RBA process in Pakistan**

The capacity-building process on RBA in Pakistan, on which the thesis centrally draws, was not – as Lewis (2002) indicates – the product of a monolithic UN. It was exploratory and controversial, and emerged out of a divided background, from which there was no

agreement on what RBA 'is', who should promote it, or how. The process was led through an organisational section which (paralleling divisions in national, policy-making processes discussed in Chapter 4) housed 'soft' themes of children's rights, gender equality and communication. An implicit aim (and particular source of controversy) was to overcome a division between planning and implementation, through decentralising planning and wider programming skills from 'expert' individuals and sections to a much wider range of development actors.

The central training (or 'capacity-building') process had three phases<sup>4</sup>: internal training of UNICEF staff from the Pakistan Country Office and other offices in South Asia; piloting and training of trainers in Pakistan; and training of mid-level development partners. All 120 staff of UNICEF Pakistan participated in the core process, from the Federal Office in Islamabad and the four Provincial offices in Sindh, Punjab, North West Frontier Province (NWFP) and Baluchistan. After internal training, a pilot training was held with counterparts; 30 partners were then trained as trainers, of whom 19 were retained as lead and co-trainers. Five residential Provincial trainings were subsequently held for Government, NGO and civil society counterparts who were partners in UNICEF's five-year country programme. A fourth phase, beyond the bounds of this research, took RBA training to actors in newly devolved district structures.

Each training was at least three days long, except for a two-day Urdu package designed for UNICEF administrative staff. Objectives of the training were related to changes in knowledge, attitudes and practice (KAP), and introduced the recurring theme of 'internalisation': "to orient participants on human rights with a focus on the rights of children and women; to enhance commitment and strengthen partnerships for a rights-based approach to programming (RBAP); to enable participants to internalise and use the

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<sup>4</sup> Capacity building, or capacity development, is more than training, but training is part of capacity building; the latter is more than an event, which should involve a medium-term strategy for change, focused on individuals, organisations, systems or institutions (see Lusthaus *et al*, 1999); the RBA process in Pakistan was labelled capacity building and went beyond a single training event with some of the groups involved. As far as UNICEF's involvement goes, particularly with the lack of organisational back up for medium-term strategy, it was perhaps more accurately 'training'.



principles of rights-based programming, along with enhanced practical knowledge of gender issues and gender mainstreaming". Objectives gave no clear image of what understanding and applying RBA would look like and the process was explicitly highly exploratory. Concentration and interaction were intensified by all trainings being residential (except for the pilot training which was, by comparison, far less focused). Each training contained ten sessions which were continually evolving and revised.

The structured core of the research therefore draws on 45 days and evenings of intensive, focused interaction with around 300 development partners<sup>5</sup>; it also draws on several days of spin-off activities, such as a four-day retreat to finalise the manual with the trainers and a five-day training for a pilot district-level model. Participants in the training process were from a critical, but imprecise, 'mid-level' which, as counterparts repeatedly described themselves, lies somewhere between policy-making and front-line service delivery. The mid-level was expected by the UNICEF team to carry the most dynamism and immediate potential for bringing a rights-based approach into operation. Participants spanned a wide range of personal and professional backgrounds from every sector, department and profession connected to the Country Programme. In the second training in NWFP, few senior partners could be persuaded to take part; in the second last training in Sindh, interest and demand had so increased that a UNICEF colleague complained of senior partners "not giving junior colleagues a chance to learn". Participants held very diverse levels of status, marked by age, gender, education levels, comfort in English, 'expertise', being inside or outside Government, and by many subtle attributes of social or caste hierarchy (displayed, for example, in names). The training team influenced choice of participants, and therefore the research sample, by requesting close to equal numbers of women and men, although all groups were more than half male. Some women were in very senior positions and were highly educated (one had a doctorate in human rights). Others were very junior. One articulate, out-spoken woman, for example

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<sup>5</sup> One five-day pilot training for UNICEF staff in India, two three-day training sessions with UNICEF programming and senior administrative staff, one two-day session with other UNICEF administrative staff, one two-day pilot training with 25 mid-level counterparts, two five-day sessions with 30 trainers, one five-day session with 19 trainers, five three-day provincial trainings with mid-level counterparts with between 22 and 30 participants

(Shavita), worked for an NGO and came from “a very conservative” rural part of Baluchistan<sup>6</sup>. She described battles between her “liberal” parents and her uncles who were ashamed that she was so much older than her cousins in marrying and having children. She was 19 years old.

Provinces were differently characterised – in discussions within the training and outside it – as more conservative (Baluchistan, NWFP) or, at least in the main cities, less so (Punjab, Sindh). Counterparts in Punjab and Sindh would claim they were more open than those in other provinces about, for example, gender relationships (although it was in the former two provinces that some of the most explosive, angry gender debates occurred – see Chapter 7). Provincial trainings also differed because the training content was maturing and trainers were developing their own voices. Differences in provinces were significantly fuelled by the progress of the Devolution process which was de-centralising authority and responsibility from Provincial institutions to the 140 districts of Pakistan, and to sub-district entities of *Tehsils* and Union Councils (see Government of Pakistan, 2000b, 2000c). Many Government participants held highly strategic positions, particularly in the final trainings in Sindh when Devolution was in the early stages of implementation. Participants included, for example, District Education Officers (DEOs) responsible for services throughout a district which might contain one million people. The training also included *Tehsil* Municipal Officers (TMOs), the most senior *Tehsil* official responsible for the full range of Government departments and services catering for up to 100,000 people. In the earlier trainings in Baluchistan and NWFP, Government officials (including, for example, DEOs) stressed their powerlessness as ‘only implementers’ and the need to train ‘the policy makers’ before they could introduce change. In the later Provincial trainings in Punjab, and even more so in Sindh, group work and discussions dwelt less on obstacles and were more enlivened by the possibilities with Devolution for new development approaches and relationships.

The thesis is grounded in a capacity-building, or training, process but does not focus on training *per se* or aim to examine its effectiveness. It is not claimed that particular

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<sup>6</sup> Names of those involved in the RBA process have been changed throughout the thesis.

training methods are responsible for impacts (at least beyond a broad emphasis on participatory learning rather than lecturing). As Lusthaus *et al* (1999:3) have argued, capacity building (or capacity development) has become “the way to do development” in the UN and other organisations although (as counterparts would describe of rights) often as a “slogan” rather than a rigorous process. The RBA capacity-building process was characterised by the messiness and chaos often evident in capacity development, and by a lack of clarity in the change outcomes and the units of change envisaged (Lusthaus *et al*, 1999). Great care was taken with the content and in developing the capacity of the trainers, the rarity of which was demonstrated by how carefully the investment of staff time had to be justified. The RBA process, however, did not have a follow up strategy (which was in large part due to the organisational divisions behind it and which was significantly addressed in the subsequent district-level process). It was not, therefore, an impressive example of strategic, medium-term capacity development, but a realistically chaotic development intervention, which was experimental and exploratory and had something to prove to a critical audience. It was coming out of, and fought out within, a divided organisational culture where processes are shaped by different actors’ agendas, which always carry moral and political dimensions, as well as technical aspects (Fulcher, 1989; Lewis, 2002).

### **3.3 Background & approach: interpretive, ethnographic case study & grounded theory**

The case study on which my thesis is based is centrally concerned with process and change. Pakistan was in turmoil in both its external and internal relations throughout the period covered by the research, which included sustained insecurity and radical political and policy changes. Debates on human rights were an increasingly audible part of the discussion around key events, with rights being mostly used as standards from which to critique those people and institutions holding power. My posting was created through a partnership between UNICEF and DFID at a time when both were undergoing considerable change in agendas. Both my professional role and research became closely identified with UNICEF’s adjustments towards a rights-based approach to programming,

and both began at a point when initial attempts to conceptualise RBA were tipping over into attempts at implementation.

The research agenda moved behind the observable and relatively objective sphere of what people *do* (to fulfil or obstruct rights) towards a less tangible emphasis on what they think, believe and say they do in responding to and interpreting a set of abstract ideas. The methodology drew considerably on analysis of public spaces in which ideas are debated and relationships can be observed. It also drew on private spaces where people presented very different perspectives from those dominating in the public domain. My research had to be sensitive to underlying processes of change with small, intangible and often unintended impacts, often manifesting in private, subjective and complex forms which were very difficult to observe and, for those experiencing them, difficult to articulate.

A case study was the appropriate methodological frame for several reasons. For Yin (1984:23), a case study is “an empirical enquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used”. A case study is a flexible “design feature” or “frame” (Stoecker 1991:97-8). It is particularly effective for capturing subtle and unexpected dynamics of change and process, and for offering a longitudinal, contextualised approach which can preserve the “unitary character of the social object” (Mitchell, 1983:191-2; see also Bryman, 1989; Hakim, 1987; Yin, 1984). Case studies are especially useful for helping to define and illustrate the abstract principles and concepts with which a rights discourse is loaded. They are essential for the continuing relevance of such abstract ideas, for “we need theories of what occurs in particular settings bounded in time and space, *and* of the supraindividual entities which provide a context for what goes on in those particular settings” (Hargreaves, 1985:40).

Case studies can be criticised for not being generalisable and for lacking objectivity, rigour and reliability, particularly where they take an ethnographic approach and use

retrospective (and therefore 'biased') information, and where they rely on discretionary interpretations (Stoecker, 1991:91). They can be criticised for the absence of a basis of comparison and 'control' group (Rosenblatt, 1981:195). They may be regarded as a single case, as "N of 1" (Stoecker, 1991:91), and caricatured "as though the observer had noted and interpreted "a single striking characteristic ... rather than a pattern of conceptually related characteristics" (Rosenblatt, 1981:196). Case studies are criticised for being expensive in time and resources and, where based in ethnography or participant observation, simply taking too long. The case study, however, aspires to analytic rather than statistical generalisation (Yin 1984:21). We can make generalisations from empirical research because of "the belief that the general resides in the particular and because what one learns from a particular case one applies to other situations subsequently encountered" (Eisner, 1981:6). The strength of the case study depends upon how rigorously and appropriately methods, analysis and theories are applied to the case being studied.

Within the framework of a case study, I was taking a position in relation to two distinct approaches – or "ideologies" (Marsden & Oakley, 1990:19) – which reflect the divide, running through the literature and field work, between formal, centralist and pluralist, interpretive process approaches. As Chapter 4 illustrates, the first approach dominated the development world with which I was engaging. Marsden and Oakley (1990:19) describe it as an instrumental, technocratic, functionalist tradition which denies the fundamentally political character of policy and research, which is connected with a sectoral or specialist policy emphasis, and which firmly separates areas of activity for intervention or research. The instrumental, technocratic approach presumes that public and private, state and non-state spheres, and various aspects of human activity, can be treated and measured in isolation. It has tangible goals and is concerned with "getting a job done" (Marsden & Oakley, 1990:19). The second, interpretive ideology emphasises change and process. It places subjectivity at the centre of the research process, tends to be less directly instrumental and more holistic or generalist. An interpretive approach integrates specific social, cultural and political environments into the analysis. Its goals are less tangible, and its approach more questioning and reflective, concerned with analysis of "the ways in which things are done" (Marsden & Oakley, 1990:19). An

interpretive approach challenges an exclusive focus on macro-economic growth, formal, public institutions and processes, and service provision; it prioritises themes of empowerment, participation, sustainability and capacity building, and recognises the 'human factor' embedded in particular social, cultural and political settings (Marsden & Oakley, 1990).

Following an interpretive track obviously shaped the methods I was selecting, and consequently the core themes which were given space to emerge, to be recognised and explored. An interpretive, ethnographic approach also complemented the methodology of the capacity-building process itself (and the ideology implied by it) with its emphasis on themes such as subjectivity, 'internalisation', relationships, gender equality, participation and social change. The remainder of the thesis discusses how these instrumental, technocratic and interpretive themes infused and defined the divisions in people's interpretations of a rights-based approach. They particularly appeared in essentially political divisions between those emphasising expertise, central authority and controlled activities, and those emphasising less controlled empowerment, political engagement and social change.

The fieldwork was carried out with expectation of an evolving, ethnographic and co-operative approach to research design which allows different perspectives and experiences to emerge. Ethnography is a form of social research, within the interpretive approach, which investigates the nature of particular social phenomenon and emphasises unstructured data, a detailed focus on one or a small number of cases, and interpretation of "the meanings and functions of human actions" (Hammersley, 1994:248). One of the key characteristics of ethnography identified by Hammersley (1994) is that it sets out to explore social phenomena rather than to test hypotheses. Qualitative, interpretive research likewise begins with an interest in questions, issues, and searching for patterns (Patton, 1990) rather than a pre-determined quantitative commitment to testing hypotheses. Although they did not involve 'saturation', the research and approach are otherwise consistent with a grounded-theory approach, defined by Strauss and Corbin as:

... one that is inductively derived from the study of the phenomenon it represents. That is, it is discovered, developed, and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon. Therefore, data collection, analysis, and theory stand in reciprocal relationship with each other. One does not begin with a theory, then prove it. Rather, one begins with an area of study and what is relevant to that area is allowed to emerge. – Strauss & Corbin 1990:23

Theory, unlike description, is thus built from a process in which data are “conceptualised and the concepts related to form a theoretical rendition of reality (a reality that cannot actually be known, but is always interpreted)” (Strauss & Corbin 1990:22).

### **3.4 Methods**

Outside the training process, I was continuously engaged with colleagues within UNICEF and with colleagues from other national and international organisations (some of whom were also involved in the central process), carrying out a continuous stream of participant observation, informal interviews and document analysis around research themes. The outer rings of the research involved examining and contributing to particular cases and processes within the wider case study (such as the Poverty Reduction Strategy Paper discussed in Chapter 4), as well as being an actor and observer in UNICEF’s Country Programme and process of adapting to a rights-based approach. Each layer contained intensive research – featuring “observable concrete interconnections between actual properties and people within an actual concrete setting” (Stoecker, 1991:95) – and extensive research over a large geographical and organisational range. Some of those involved in the research entered and exited on a ‘snapshot’ basis while there was a sustained relationship with others, particularly with UNICEF colleagues, the trainers and some key counterparts. Such long-term exposure to a context is valuable because it provides a base from which to gauge impacts and change, and “can lead to the perception of occurrences and of connections that one could never see in the short run and that a team of individuals, each looking at different things, would miss” (Rosenblatt, 1981:215).

Methods in all layers of the research were interactive and, to an extent discussed below, participatory. They drew on a mixture of formal, semi-formal and informal interactions in public fora, large and small groups, and individual discussions. Methods in the outer

layers of the research involved participant observation in the design and implementation of policies and programmes, and continuous interviews and interactions with key informants. Individual in-depth, informal discussions and interviews ran through all three rings of the research, leading towards a cluster of formal semi-structured interviews in the closing months. Within the core capacity-building process, training sessions provided structured research spaces organised by time, place, informants, subject and method. Structured data were also produced through the evolving training components (particularly the evolving manual into which were absorbed lessons from every training), group work output, baseline and end-of-training questionnaires, evaluations and assignments. Methods were cooperative and reflective to the extent that core research tools (both the instruments of the training and particular research methods) were moulded by repeated interactions with informants, designed and amended through piloting, or cooperatively produced. Research tools were therefore to some extent products of informants, or at the very least accommodated their perspectives.

**Table 1: Methods & analysis in the three research layers**

Methods	Strengths & weaknesses	Recording & analysis
<b>1. RBA capacity-building process</b>		
<b>Participant observation:</b> of plenary discussions, group work interaction and visual presentations, structured by each session's subject, time and training method, and of interactions outside training hours (covering core training and periods of preparation, feedback and review, and several spin-off processes throughout the fieldwork period)	<b>Strengths:</b> public, interactive, setting broad parameters of research, revealing of core themes, social/ hierarchical/ power dynamics, dominant approaches to development and basis for observing change	<b>Recording:</b> immediately in field notes, and verified by written and visual material from group work, in daily feedback sessions and in informal interviews
	<b>Potential weaknesses:</b> tendency of particular voices to dominate; inhibitions around what people will say publicly; language/ translation; my involvement in the process – counteracted by multiple methods feeding into joint analysis and multiple data sources for post-field work analysis	<b>Analysis:</b> joint analysis with colleagues and trainers in end-of-day review; intermediate analysis to draw out interview themes, checked with colleagues/ trainers/ counterparts; post field-work, organised into themes and used as starting point, for recognising key moments/ events and issues on which other data sources built; regularly returned to original notes to search for new themes, patterns and interpretations



<p><b>Questionnaires:</b> pre- and end-of-training (introduced after first counterparts' training; optional – completed by almost all possible respondents [98 out of 108] in last four mid-level trainings)</p>	<p><b>Strengths:</b> 'private', self-reporting source of data; much wider, more diverse range of perspectives counter-balancing public statements; safe space to express controversial views</p>	<p><b>Recording:</b> by counterparts individually at beginning and end of training; option to provide basic respondent information</p>
	<p><b>Potential weaknesses:</b> unease at expressing views in writing; language/ translation; open questions sometimes leading to unfocused responses; possibly donor appeasing</p>	<p><b>Analysis:</b> designed jointly with trainers, reviewed and analysed with them post-training; post-field work, drew out typical and illustrative themes, manually coded into gender-based and other categories; provided a pre-training 'grounding' with unexpected themes and patterns (e.g., strongly organic understanding of rights); provided considerable weight to challenge dominant themes (explored further in interviews), and detail to build on themes brought out in other data sources</p>
<p><b>Interviews:</b> informal and formal semi-structured, with individuals and groups (20 in-depth formal interviews cancelled due to security situation and evacuation/ 17 carried out; continuous informal interviews with colleagues, trainers and counterparts throughout posting)</p>	<p><b>Strengths:</b> opportunity to probe in-depth, and open and explore unexpected themes; diversity of views; safe space to express sensitive viewpoints; often held in 'invited spaces' but often in informant's environment, so more linked to their roles and more controlled by them; all formal interviews held several months after the training, so able to capture change and process</p>	<p><b>Recording:</b> recorded immediately in field notes and responses reflected back to informant</p>
	<p><b>Potential weaknesses:</b> based in what is said rather than what is observed; potentially donor-appeasing; possibly inhibited by being in informant's organisation</p>	<p><b>Analysis:</b> joint analysis with respondent; organised into categories post-field work and compared with other data sources, often providing a different perspective to events/statements in public spaces; also providing a later, more operational view in informant's environment after several months' lapse; continuous informal interviews with trainers particularly gave longitudinal, in-depth data, as well as evidence of individual change and impacts on other individuals and on organisations; returned to re-analyse raw data several times, as above</p>

<b>Role plays:</b> four in each training	<b>Strengths:</b> unexpectedly powerful source of natural, disarmed data, allowing respondents to drop 'institutional' roles; space for emotion, anger and expression of views that could not come out in public discussion	<b>Recording:</b> recorded immediately in field notes, simultaneously translated by trainer, and checked recorded version with training team at end of each session
	<b>Potential weaknesses:</b> as with all group dynamics, may be dominated by particular voices; flashing issues without necessarily exploring in-depth	<b>Analysis:</b> immediately analysed jointly with counterparts in processing discussion led by trainer; further joint analysis in informal interviews; fed into formal interview discussions, particularly probing on issues, repeatedly raised, about power; organised into themes post-training – as with questionnaires, provided considerable data, drawn out more in interviews, on issues raised in public spaces
<b>Written and visual material:</b> group work output, participants' evaluations, trainers' assignments	<b>Strengths:</b> less spontaneous, more considered data source; clear statements of individual/group ideas; joint work usually showing dominant perspective, individual work giving a counter-balance	<b>Recording:</b> retained all written material and group work; immediately recorded in field notes all presentations accompanying group work and processing debates following them
	<b>Potential weaknesses:</b> where jointly produced, dominance of particular perspectives; discomfort with writing	<b>Analysis:</b> immediately analysed jointly with counterparts in processing discussion led by trainer; analysed in context of participant observation of group hierarchies and dynamics – whose voice dominating etc; used particularly to build on participant observation and build up a picture of the evolving process (e.g., comments in evaluations, discussions around group work) and of individual changes (e.g., trainers' assignments at beginning of their training, compared to ideas/ skills demonstrated later)
<b>Evolution of training tools:</b> training manual – particularly evolving content and methods of each session – and participants' hand-book	<b>Strengths:</b> cooperatively produced, continually reflected upon and revised, providing clear statements on evolving content and approach; increasingly 'owned' by trainers	<b>Recording:</b> initial training tools developed by UNICEF colleague; subsequently evolved with contributions of colleagues, trainers and counterparts; training manual finalised jointly with trainers

	<p><u>Potential weaknesses:</u> may exclude alternative perspectives, initially dominated by UNICEF voices but gradually shifting towards trainers</p>	<p><u>Analysis:</u> provided structure for analysis post-fieldwork – frame and sets of ideas which acted as springboard on which reactions were based; basis for tracking change (e.g., formal emphasis in internal UNICEF trainings, becoming increasingly contextualised and process-centred; for trainers, starting point from which to assess development of their own ideas); product of many perspectives, particularly capturing what was agreed to be effective (e.g., how to approach gender equality) and demonstrating integration of participatory method and training content</p>
<b>2. UNICEF, 1999-2002</b>		
<p><b>Participant observation:</b> in design and implementation of development policies and programmes</p>	<p><u>Strengths:</u> longitudinal study of organisational and programming change, particularly adjusting to an organisational mandate to adopt RBA; ‘insider’ position and exposure to range of perspectives</p>	<p><u>Recording:</u> immediately captured processes, discussions and observations in field notes (e.g., dynamics, over almost three years, around designing and implementing the RBA capacity-building process)</p>
	<p><u>Potential weaknesses:</u> possible closeness to data and possible dominance of particular voices – counteracted by other methods and drawing in as many perspectives as possible</p>	<p><u>Analysis:</u> analysed jointly with colleagues and counterparts, and fed analysis into RBA process; post-field work, offered the organisational background in which the approach grew and began to be operationalised; drew out patterns and relationships within an organisation which were reflected amongst counterparts and gave depth to all other data sources (e.g., for reactions to change within the RBA process, and to discussions of operationalising RBA in formal interviews)</p>
<p><b>Informal interviews:</b> with colleagues, counterparts and those involved in programmes</p>	<p><u>Strengths:</u> wide range of perspectives, over a long period, on change in a development/ social context,</p>	<p><u>Recording:</u> recorded immediately in field notes</p>
	<p><u>Potential weaknesses:</u> possible closeness to data – counteracted by other methods and drawing in as many perspectives as possible</p>	<p><u>Analysis:</u> as above</p>
<p><b>Document analysis:</b> of organisational policy at headquarters and country level,</p>	<p><u>Strengths:</u> long-term perspective on programming and organisational change</p>	<p><u>Analysis:</u> continual analysis and debate in the field; provided a policy context for post-field work, and</p>

evolving programming documents (e.g., global Programme, Policy and Procedure Manual), and specific programme/ project documentation	<u>Potential weaknesses</u> : formal statements, need to be balanced by perspective on practice	perspective from which to gauge shifts in development practice
<b>3. Wider social development field, 1999-2002</b>		
<b>Participant observation</b> : in design and implementation of development policies and programmes (e.g., Poverty Reduction Strategy Paper discussed in Chapter 4), and in wider social development field	<u>Strengths</u> : basis for comparison of RBA with other development approaches; setting wider context for patterns emerging in other layers (e.g., gender relations); longitudinal study on change and exposure to wide range of perspectives	<u>Recording</u> : recorded immediately in field notes
	<u>Potential weaknesses</u> : dominated by wider power relationships, possible exclusion of particular voices	<u>Analysis</u> : joint analysis with colleagues and counterparts, feeding into RBA process and other initiatives; provided another layer across which relationships, patterns and themes in the RBA process were reflected and could be interpreted (e.g., the 'enabling framework' discussed in Chapter 4)
<b>Informal interviews</b> : with colleagues, counterparts and those involved in programmes, and with informants outside development sphere on wider social development context	<u>Strengths</u> : multiple perspectives on underlying themes through which to interpret those emerging in other two layers (e.g., programming for gender equality, and understanding wider context of gender inequality)	<u>Recording</u> : field notes, recorded immediately
	<u>Potential weaknesses</u> : more exposed to some perspectives than others (e.g., centred in Islamabad – limited exposure to people and context outside Federal Capital)	<u>Analysis</u> : as above
<b>Document analysis</b> : of laws, policies and other elements of the 'enabling framework', of the media and of literature in the wider social development field	<u>Strengths</u> : wider understanding of context in which development occurs; long-term perspective on change	<u>Analysis</u> : as above
	<u>Potential weaknesses</u> : formal statements, need to be balanced by perspective on practice	

The central method in this research was participant observation: within the core process, as a UNICEF officer, and interacting in the wider social development context.

Participant observation provided an initial frame of issues and springboard for the selection, design and use of different methods. Observation and interaction in public fora revealed dominating perspectives about rights, development and an underlying structure of relationships. Humour and emotion, including frustration and anger, flowed through discussion, and were particularly freely expressed in the 'disarmed' setting of role plays. Social and cultural norms and hierarchical relationships between different actors were of central relevance to the research question; these were irrepressible in public spaces which provided a repeated "concrete example of the intersection of different levels of social organisation within a broadly defined location" (Geertz cited in Hamel, 1993:35<sup>7</sup>). Public spaces, however, were inherently controlled. Those who spoke most critically often did so in more neutral or private spaces. It was particularly important to create private space, within the training process and afterwards, to talk to women. A male researcher would not have been able to talk privately to women while a female researcher can have close access to, and move relatively freely between, male and female domains. In countless individual and group informal discussions, in formal interviews and in the privacy of questionnaires, both women and men gave different perspectives from those emerging in public. These challenged male dominated spaces and knowledge which kept asserting, for example, "women are given all of their rights".

The ten training sessions of each training programme provided the structured heart of the research. Each of the six substantive sessions was a form of focused discussion amongst facilitator and participants, with its flow determined by individual skills and incentives to manipulate hierarchical relationships. Depending on the skills and goals of individual trainers, the session could be dominated by a few and by the dominant narrative, or it could be a wider debate driven by, rather than targeted at, many participants. Non-participatory trainers lectured on facts and participatory trainers facilitated a highly contrasting, less focused, more inclusive debate. Group work was likewise a form of focused discussion, although with sporadic rather than continuous facilitation. In the first large group exercise, participants were deliberately given space to experiment on their own terms (after which, as a result, many participants complained of not being 'heard').

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<sup>7</sup> Original source not provided

In the second group work, trainers would intervene more actively in group dynamics. Each group exercise was followed by a processing discussion which – as it required strong facilitation skills, knowledge of content and willingness to challenge different forms of ‘expertise’ and status – very few trainers were able to manage.

**Table 2: Mid-level training on Rights-Based Approach – objectives, elements & methods**

Session	Objective & core elements/ themes
<b>1. Introduction and mood setting</b> – 90 minutes <b>Method</b> – discussion, group work using visualisation in participatory planning (VIPP)	Introductions and agenda setting
	Introductions, baseline questionnaire, introduction to participatory training approach, discussion of ‘fears and expectations’
<b>2. Introduction to human rights</b> – 1 hour <b>Method</b> – participatory presentation/ discussion	To explore the history and significance of human rights
	Discussion of: obligations, claims, differences between needs and rights, sources of rights, role of the UN, Universal Declaration of Human Rights (UDHR) and relevance in Pakistan, consultative process behind Conventions, purpose of special instruments for women and children
<b>3. Why focus on children</b> – 75 minutes <b>Method</b> – participatory presentation/ discussion and group work using VIPP	To explore the purpose and content of the Convention on the Rights of the Child (CRC)
	Group work on actions to protect children, followed by discussion on: purpose of children’s rights, universality, thematic clusters (e.g. definition of the child) and general principles (e.g., non-discrimination), and practice in Pakistan
<b>4. Making a special case for women</b> – Day 1; 2 hours 30 minutes <b>Method</b> – participatory presentation/ discussion, plenary discussion, group work, and role plays	To explore gender-based discrimination, gender mainstreaming, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the National Plan of Action for Women (NPA)
	Discussion of: definitions of development, how society is organised, social change, social exclusion, gender roles and gender issues, discrimination against females and males, equality, CEDAW, NPA, relationship between CEDAW and CRC Role plays on forms of gender-based discrimination counterparts have practiced or experienced
<b>5. Quiz</b> – 75 minutes <b>Method</b> – group preparation, plenary discussion, game	To familiarise counterparts with the UDHR, CRC and CEDAW
	Brief group quiz on human rights instruments
<b>6. Rights principles</b> – 1	To understand rights principles and applications to programming

hour <b>Method</b> – participatory presentation/ discussion	Discussion of: differences between traditional approaches and RBA (themes around obligation, claiming entitlements, participation, inclusion and exclusion, vertical versus integrated programmes) and implications of rights principles in programming (accountability, universality and non-discrimination, indivisibility, the best interests of the child, survival and maximum development, participation as a right)
<b>7. Applications of rights principles</b> – 3 hours 45 minutes <b>Method</b> – visualised group work	To explore applications of rights principles in sectoral programmes In four groups, applying four principles of accountability, non-discrimination, participation and the best interests of the child in one programming area (birth registration, sanitation, primary education or child health); communicating applications through ‘Market Stalls’ with group presentations, feedback and processing
<b>8. Introduction to the programming cycle</b> – Day 3; 25 minutes <b>Method</b> – participatory presentation/ discussion	To understand basic steps of the programming cycle Discussion of programming steps: situation assessment and analysis, prioritising, objective setting, strategies, implementing activities, monitoring and evaluation
<b>9. Rights mainstreaming in the programming cycle</b> – Day 3; 50 minutes <b>Method</b> – participatory presentation/ discussion	To explore applications of rights principles and strategies (with emphasis on gender mainstreaming, participation, and integrated approaches) within the programming cycle Discussion of: disaggregated, participatory assessment, participatory analysis (of rights fulfilment, the ‘enabling framework’, socio-cultural norms and other factors causing discrimination and undermining rights), priority-setting (with consideration of reaching the most marginalised and addressing discrimination in sustainable ways), setting goals linked to fulfilment of rights and objectives concerned with both outcomes and processes, strategies (integrated, inter-sectoral approaches, sustainability, participation, partnerships and alliances through advocacy, communication, capacity building and service delivery) and participatory monitoring and evaluation concerned with qualitative as well as quantitative aspects, process as well as outcomes and impacts on discrimination, access, participation and empowerment; discussion of fictional case study of a rights-based child health programme in Kamalistan
<b>10. Integrating RBA in the programming cycle</b> – Day 3; 4 hours 15 minutes <b>Method</b> – group work and processing discussion	To apply rights-based principles and strategies in the programming cycle, including gender mainstreaming, participation and integrated approaches In the same groups, designing a rights-based programme to address one of the following: births of 80% of refugee children are not being registered; 60% of children belonging to religious minorities are not enrolled in schools; in urban slums of Karachi city, the ratio of maternal mortality is twice as high as in other areas; in families working in brick kilns in Punjab, 90% of children under one year old are not immunised; applying rights principles in each step of the programming cycle, presentation on a matrix, discussion and processing

These structured components of the training provided a mass of data on different understandings of rights and development. Other methods were used to triangulate and explore more deeply why particular perspectives dominated, and especially to probe the private or sensitive issues which could not easily be discussed in public fora. One method for uncovering private data was use of questionnaires at the beginning and end of the training. Questionnaires were introduced following the first mid-level training in Baluchistan, with low expectations. It was anticipated that what counterparts said would be far more expressive than what they wrote, especially in a context described by trainers as a “verbal culture”. Questions were written jointly with trainers; 98 counterparts completed 190 pre-training and end-of-training questionnaires (some arrived late or left early, so did not provide both). Most counterparts opted to provide their name and designation, except in the first use of questionnaires in NWFP when it had been assumed that people would be more comfortable with anonymity. Counterparts who were interviewed in NWFP were asked to identify their pre- and end-of training questionnaires so that, as with all other interviews, there was a further perspective on what they said in the public spaces of the training and in private one-to-one discussion. The questionnaire contained open, exploratory questions about rights and development, along with some questions to indicate how familiar participants were with the documents and programming cycle (and in most trainings, far fewer participants than expected were familiar with either). The same questionnaire was distributed at the beginning and end of the training. Questionnaires were always completed in an atmosphere of hushed concentration; they were repeatedly called a ‘pre-test’ and often had to be wrestled away from participants. The questionnaire was written in Urdu, as were most responses, and contained the following questions:

1. What are rights?
2. Where do rights come from?
3. What is the difference between needs and rights?
4. Who is responsible for fulfilment of obligations and why?
5. How would you define gender?
6. What is the meaning of gender discrimination?
7. What is the relationship between rights and development?
8. Explain the various steps/ stages in making a programme or project.
9. If you base your work on human rights what changes would you expect?
10. How do human rights influence your personal life? Please give an example



11. What obstacles do you think there might be in implementing rights: in your own work? In your country? In your culture? In your own life?
12. What do the following stand for? UDHR – ; CEDAW – ; CRC –

As a training tool, questionnaires proved particularly useful for ‘de-learning’ and disarming expertise. As one trainer, Aysha, argued: “We think we know until we have to write”. Many counterparts who claimed expertise on the CRC or CEDAW struggled to explain abbreviations, or to define rights or gender discrimination (for example, for a counterpart from a large NGO working predominantly on women’s rights: “to discriminate upon the basis of complexion, race, caste, class, politics, culture, language and the area is called gender” – Q. 42). Questionnaires were expected to give some indication of learning, which was why they were administered at the beginning and end of the training. Where counterpart had given names it was possible to track changes before and after training, but questionnaires added little value in understanding change, particularly compared to interviews. Some counterparts would import what they thought was the ‘right’ answer into end-of-training questionnaires (a definition of rights or steps of the programming cycle from earlier sessions) which indicated little of what they thought or had learnt.

As a research tool, however, questionnaires were invaluable for uncovering diverse perspectives rather than range or frequency of ‘facts’. They were a rich source of material on participants’ starting positions on rights and development, and how those understandings were mediated by (for example) individual status, gender, religion, culture or organisation. Questionnaires exposed broad gender differences and challenged many dominant lines of discussion by giving space for other perspectives. In complete contrast to the ‘public line’, almost all questionnaires demonstrated strong organic understanding of rights as carried through religion or culture rather than imposed from ‘outside’. They revealed perspectives far beyond development programming and gave indications about, for example, how individuals view their personal relationships, a social structure, relationships with authority, tradition and change. Questionnaires were therefore particularly useful: for challenging assumptions (for example, that rights are alien); for bolstering suspicions (that women frequently conceive of and experience rights

very differently from men, and that positions on gender relationships have some important correlation with positions on rights); and for bringing out views which could not come out in public (that interpretations of Islam are used to serve particular interests).

The other rich sources of data outside the public domain were formal interviews, all of which were held several months after each training, plus the continuous stream of informal interviews within the process and in the wider research field. Formal interviews were arranged through UNICEF Provincial offices and were based on themes drawn from analysing data within the process. Informal interviews indicated that the impact of RBA training was often very subtle and unexpected; some interviewees had definitions and answers readily articulated or were conscious of impacts or obstacles, but others (often the most interesting interviews) realised those impacts only through struggling to articulate them. Strong efforts were made, building on experiences with the questionnaire, to ensure that interviewees did not feel they were being tested, and that they understood the concern was with *their* perspectives and experiences. Thoughts were usually unstructured and it was rarely possible to follow a set track after the initial questions. Every interview covered particular themes. Responses on each theme were usually arrived at through considerable probing and meandering, and so were summarised and reflected back to the interviewee. Firstly, interviewees were asked how they would define RBA to a colleague who wanted to know what the training had been about; they were asked what particular concepts they remembered, and specifically how they understood concepts of accountability, participation and non-discrimination; they were asked about some of the key controversies arising in the training (particularly surrounding religion and women's rights); they were asked to describe any impacts on their thinking about development or more widely (for example, if they were seeing issues of exclusion or inequality in a different way, or different ideas about programming); they were asked about any applications or obstacles to applying RBA in their personal and professional roles, and any key changes they would describe.

Around half of the interviewees were selected randomly. Others were selected for explanatory power, because they represented some important theme which had shone out

in the training, and to ensure a strong representation of female and NGO participants. Ultimately, who was and was not formally interviewed was dictated by security. Growing insecurity and tensions had over-shadowed the trainings in Karachi, in particular, the first of which ended on the day Daniel Pearl was kidnapped from the city<sup>8</sup>. Eight in-depth, formal interviews were held from among the 24 counterparts who had participated in the NWFP training, and seven from among the 26 who had participated in Punjab. Two interviews were held with participants from the Sindh training who were passing through Islamabad. Several more interviews were planned in districts of Punjab and twenty were scheduled in Sindh, in both Karachi and Hyderabad. All of these interviews had to be abandoned. The UN forbade non-essential travel to Karachi the day before the interviews were to begin following the killing of 13 French citizens at a Karachi hotel and with Indian gunships pointing at the city. Shortly afterwards, I was evacuated from Pakistan at DFID's insistence.

Interviews built on rapport developed within the training and each lasted between one and two hours. Most were carried out individually, sometimes with colleagues present part of the time. All interviews were based upon what participants said rather than what they were observed to do. Discussions with colleagues, however, in many cases reinforced what had been said by counterparts and trainers in formal and informal interviews about how they were or were not operationalising RBA (including verifying significant changes of approach within organisations). Data therefore rarely extended after the training to observation of practice, but interviews became far less concerned than was originally expected with activities or with testing counterparts' knowledge. The difficulty participants had had in every training session, particularly in session 10, in talking about RBA in practical ways, made demonstrating understanding of RBA highly significant. There was a deliberate decision to capture a range of perspectives through interviews rather than to observe the follow-up activities of two or three counterparts in greater depth. RBA was too new and too exploratory to narrow the field to the ways in which two or three counterparts understood it or the particular organisational hurdles they

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<sup>8</sup> Daniel Pearl was an American journalist who was abducted on his way to interview a 'fundamentalist' leader in connection with the 'war on terror' and, within a month, was killed by

were facing. The significance of the interviews therefore did not lie in how much counterparts claimed to be doing but in the practical, embedded, individual ways in which they discussed RBA and what the approach became in their hands.

A further unexpectedly central part of the methodology focused on changes occurring amongst trainers which became a fascinating and observable expression of the growth of, and change in, ideas. Trainers were initially viewed as instruments for training counterparts, but they became a central energy in the process and a central focus of the research. Changes in their thinking and practice, and affects they were having in development fields, were tracked through sustained participant observation and repeated informal interviews over an 18-month period.

All data from observation, discussions and interviews were recorded immediately in field notes to catch accurately ideas thrown up by counterparts in the core process, and by colleagues and counterparts in the wider rings of the research. The rich detail was therefore captured of what was said and done, and in what manner (including frequent displays of anger, humour and other emotion). Notes were constantly re-analysed, organised into themes, discussed with colleagues, trainers and counterparts and fed back into adjustments in the training material, the questionnaires, the interview themes and reports written on the process. Each counterpart was interviewed with reflection on what he or she had said and done in the training, and what he or she had written in questionnaires. Learning from each layer of the research cross-fertilised the others (for example, in comparing experiences around gender equality or rights applications with other donors in the wider development context). Themes were therefore pulled out and worked up into different tools and levels of the research. What was said openly – whether on the subject of ‘honour killing’ or typical approaches to planning – was also discussed in private formal or informal spaces where counterparts could share perspectives they would not share in public. What could and could not be said publicly was highly significant; for example, violence against women could be (and often was) condoned, but nothing could be said which might insinuate criticism of religion, or even

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his abductors.

how it is interpreted. Interpretation of religion, by contrast, was a frequent theme in private discussions. Pictures were therefore carefully built up to counterbalance the public world and dominant narrative with private, more diverse views, while recognising that there are strengths and limitations inherent in each method and space. These pictures and the methods contributing to them were products of continuous analysis with colleagues, trainers and counterparts. Data is therefore of two broad kinds: observations of interactions made in the field, and records of people's notions about those interactions (Holy & Stuchlik, 1983), and about their relationship with the ways in which their society is structured and organised. As Holy and Stuchlik (1983) argue, the two kinds of data signify two domains of social reality with different ontological status. One domain contains actions and social processes and the other contains knowledge, notions and models about those actions and the social world. The challenge, as Holy and Stucklik point out, is to recombine them into one analytical framework

### **3.5 Methodological issues**

In many qualitative, interpretive and interactive approaches, the observer is the research instrument. Factors such as personal style, age, gender, and ethnic and cultural background may therefore influence the type and quality of data collected. It was scarcely possible in Pakistan to be unconscious of these factors and I learnt through trial, and sometimes error, how to manage them. I was the only foreigner present in most trainings and kept as low a profile as this position would allow, acting as a background facilitator and mainly speaking in public fora if I was called upon. I was not a trainer myself and only led one session, early in the process, which brought home the disadvantages and low status of being an unmarried 'girl'. The experience gave vivid, bruising insights of the challenges faced by trainers on a hostile floor. It particularly demonstrated how trainers are left exposed when they take a participatory approach, and how tempting it is to retreat from participatory facilitation behind the safe barriers of an 'expert' lecturing mode. I learnt through this and other experiences early in my posting in Pakistan that the first filters through which I was viewed were as female, unmarried and 'young', and that whether or not I was respected depended upon how I packaged

these attributes. Small factors like being 'soft-spoken' surprisingly increased my stock of respect ("you are one of us") as did being British, provided I demonstrated an effort to speak the language, understand the culture and history, and demonstrate respect for people and place.

A potential weakness of being an 'outsider' lay in the "interpreter effect" (Jentsch, 1998). A bedrock of the methodology was face to face observation of each session, recording the flow of debate, the issues raised, and the different categories emerging. Formal and informal interviews were in English, as were all aspects of the second and third rings of the research. The training process itself was mostly in Urdu (and, at times, Punjabi, Sindhi, or Pashtu). Jentsch finds that working through an interpreter can offer valuable insights in an unfamiliar culture, but can also introduce another layer of potential bias into, and lessen control over, the research process. I was able to follow a basic level of Urdu and the discussion was simultaneously interpreted by one of the trainers as the session was underway. Trainers provided 'insider' perspectives, interpreting language and often offering their own analyses. I checked that key aspects had been captured at the end of each day of training when I met with colleagues and trainers to evaluate each session and the themes that had emerged. Questionnaires were also mostly written in Urdu. I translated around one tenth of these together with a professional Urdu teacher which gave a far stronger sense of the ideas and experiences being expressed than I would have had at one remove through someone else's translation. The weaknesses posed by being an outsider were therefore counteracted to an extent by cooperative interpretation and use of multiple methods, including interviews, role plays, and the visual material and formal presentations of group work. There are, however, many difficulties in studying a subject as an 'outsider' and no easy solution in an ethnographic study for, as Delmos Jones has argued, the insider position is also full of difficulties:

The outsider may enter the social situation armed with a battery of assumptions which he does not question and which guide him to certain types of conclusions; and the insider may depend too much on his own background, his own sentiments, his desires for what is good for his people. The insider, therefore, may distort the 'truth' as much as the outsider. – Jones, 1979:256

This case study emerges from my central role in and close relationship to a particular agenda and process. Within the “widely used fourfold typology” of participant observation (“complete observer, observer as participant, participant as observer and complete participant”), I functioned largely as “participant as observer” (Hammersley, 1994:248). I was personally strongly identified with the drive behind a rights-based approach and with the core capacity-building process. This connection was expressed in comments from participants and colleagues which were strong (for example, my being the “driving force” and “the energy behind this”) and sometimes strongly exaggerated (for example, being introduced by a UNICEF colleague in one training as the “pioneer” of RBA).

I was initially identified with the RBA process because it was led by my section; I acted as coordinator, supporting my supervisor and the programme coordinator in starting and sustaining the process, and taking a position on core internal disputes influencing its future (for example, against the argument of one senior colleague that “rights and development have no connection because the rich and the poor have the same rights”). I had a stake in the RBA process producing some sort of outcome, although the objectives set for it were so vague that I did not have a stake in any particular outcome. As a temporary ‘gift’ of the British Government I also had less stake in any particular outcomes, and less territory to defend, than most colleagues (my relative independence was well-recognised and, for example, resulted in me being asked to take up many different issues with management on behalf of staff). I first became personally identified with RBA when there was a management decision, partially triggered by the treatment I experienced early in my posting, to address gender relationships within the office; it was agreed that the way to do so was within a wider discussion of equality, tolerance and respect amongst colleagues in the framework of RBA. The RBA process, and my involvement in it, was therefore sensitive and political from the beginning. In the internal RBA training, many uncomfortable problems were raised around themes of equality, tolerance and respect; at the same time, I was elected vice-chair of the Staff Association through which I tried to follow through on issues (such as treatment of female staff members and opening up the closed relationships between supervisors and supervisees).

Throughout my posting I acted as UNICEF's gender focal point, working on themes such as violence against women and legal reform. This work was pursued, like the RBA process, from a value-based perspective (that ideas such as equality are powerful starting points for addressing issues of violence or discriminatory legislation) more than an instrumental, 'neutral' perspective (such as ending violence against women resulting in healthier children).

At the beginning of each encounter with participants, and from my background, coordinating role, I probably personified the formal approach which is continually examined in the thesis. I represented 'the West', 'the international', and the UN, importing standards without (as was continually argued by participants) understanding 'our Traditions', 'our culture' and 'our society'. In my initial involvement, and along with UNICEF's initial emphasis, I did lean towards particular pre-defined outcomes, paying limited attention to the structure, relationships and actors through which those outcomes are mediated. As the coordinator, I had power (constrained within the power relationships in my own organisation) over the content and methods of the training. I quickly realised, however, that I had little power over people's deeper responses to and interpretations of that content. If anything, my formal power was a barrier, between me and others in the process, which had to be broken down. I quickly realised, as Chapter 5 demonstrates, that the energy in the process came through all of the barriers being breached and greater attention being paid to what lay behind them. I did not breach those barriers directly so much as support others in doing so.

When I exercised 'formal' power directly – by, for example, being asked to stand up and give the 'expert opinion' to resolve a debate – I was listened to with respect, but there was, unsurprisingly, no indication of having transformed people's thinking; if (as many people expressed) there was deep unease about changing the status of girls, my statements or inserts into sessions did little to challenge it. My main effective exercise of power was in supporting others in roles that enabled transformations. In particular, it was in ensuring that trainers, including those with little initial status and experience, were supported and given opportunities to become confident and effective. I also exercised



power in ensuring that other people with little power were heard, both in public and in private. I therefore used what power I had to support others in challenging the unquestioned dominance of particular arguments, to explore what lay behind them, to recognise and value other voices, and to bring them into the debates.

My role in the process has shaped how I have approached analysis throughout the field work period, particularly by deliberately seeking out joint analysis, cooperatively produced with colleagues, counterparts and trainers, and grounded in as many perspectives as possible. It has shaped analysis post-field work, particularly through the search for explanations which cut behind the dominant narrative, and through analysing different data sources, with particular attention to the contrasts between public and private spaces. The starting point has been field notes from participant observation in the core RBA process which have set the frame of issues raised in public spaces, and which are therefore dominated by those with greater social, organisational, gender-, class-, caste-based or other forms of status. A range of other data sources have then been called in to analyse what lies behind the themes that have emerged (for example, the contrasts in Chapter 7 between women's perspectives on rights and men's). Data sources have therefore been used in analysis to contrast the public (participant observation, role plays, written presentations) and the private (questionnaires, interviews), as well as the perspectives of those with greater and lesser status, and people's reflections (again, in both public and private, and with different methods – see for example, Chapter 7) over a period of time.

The chapters of the thesis have been assembled from analysis of critical moments and discussions which hone in from impacts on entire groups (Chapter 5 and 6) to very precise impacts on, and reflections of, individuals (Chapters 7 and 8). Critical moments were repeatedly referred to, by those who were involved in them, as triggering some significant change. Selection of these themes therefore comes largely from people who created them; analysis is built up through harnessing all available data to explain what lay behind the core issues that were raised. The critical moments broadly follow the chronology of the RBA process. Particular individuals appear throughout the chapters,

and are quoted sometimes because their views are typical, but more usually because they are particularly illuminating.

Subjectivity and values are central subjects of research but they are also inextricable from methodology. For Stoecker, rigorous, accurate research “not only requires the involvement of the people being researched, it requires the self-conscious involvement of the researcher” (Stoecker, 1991:106). The focus of the thesis moves beyond descriptions of human action towards seeking a deeper understanding of the behaviour and values underlying action. Following this emphasis involves recognising that:

... field workers do not observe subjects behaving; they *interpret human actions*. To recognise that field work consists of inferring the meaning of human activity is to acknowledge the role that the observers play in their own analyses ... – Karp in Secord, 1982:252 (full citation unavailable)

A strongly participatory approach to research would move beyond “discrete activities” towards a longer term cycle, resulting in “shared activities and understanding” (Baker & Hinton, 1998:1). In this research, analysis was cooperatively produced, to a large extent, while I was in Pakistan, through sustained relationships with the trainers, colleagues and some counterparts. In some areas, however, shared analysis was limited by sensitivity, particularly where data touched on themes of gender equality and religion. Shared analysis was also limited by logistics (by the range of people and organisations involved, and ultimately by my time in Pakistan being severed). I had to accept the limitations, as well as the advantages, of carrying out research in the wake of a UNICEF-funded process; UNICEF gave consent for my research but I was not permitted to make public declarations at the outset of each training about my thesis. The research, however, draws on data which was produced in a public space; I was openly recording all aspects of the training – to the extent of being (affectionately) called *jaloos* (spy) in one training – and explained at every possible opportunity why I was doing so. I explained to those I was interviewing that interviews were both for UNICEF and for my own research use. In particular, I stressed an interest in them speaking freely and informally, as ‘whole’ individuals, rather than being constrained by an official line. Where data was generated privately, informants were therefore clear that they were providing information which

would be used in a public domain. They were not, however, always participants in its analysis.

The research is therefore a product of the advantages and limitations of working through an international organisation. It was built into a certain set of power relationships in which UNICEF initially set the agenda within “invited spaces” (Cornwall, 2002:49). Much of the research became concerned with what happened outside these parameters, with individual development actors becoming the focus of the research rather than only the channels through which more instrumental ends are achieved. Both training and research focused on transformations in perspectives, in skills, in relationships and in people; both took an interest in power and hierarchies, in strengthening critical analysis, and in empowering those with lower status to have stronger ‘voice’ and claims. Each carried elements of action research, where researcher (or facilitator) and subject work together to create diagnoses and solutions. Both training and research, as Finch argues of qualitative methods, raised issues of subjectivity and bias but also introduced the possibility of constructive collaboration which links back with the core divide between centralism and pluralism, between stasis and change:

The research process itself in a sense becomes a means of empowering the powerless by sharing with them the ability to reflect upon one’s own position, to see one’s circumstances as a product of social forces, to modify one’s self image, or to identify points at which the means of social change lie within one’s own grasp. – Finch, 1986:192

### **3.6 Conclusion**

This thesis is grounded in a case study using qualitative, interpretive and ethnographic approaches. I was closely connected to the central process on which the research draws. Weaknesses caused by being connected to, rather than detached from, my subject were counteracted by the use of multiple, reinforcing methods and by a pluralistic account involving a wide range of perspectives. My connection to the research presented a strength in creating a long, contextualised, engaged relationship with an area of study and a large set of actors. It allowed a certain amount of data and learning to be produced cooperatively by researcher and researched. From an ethical, participatory perspective, it

also sought the relationships and insights necessary to speak, if not “from the position of the ‘other’”, at least “for the ‘other’” (Bell *et al*, 1993:1) who is not prominent in the dominant approaches and discussions through which development is pursued.

## **Chapter 4:**

### **Rights & the ‘Enabling Framework’ in Pakistan**

#### **4.1 Introduction**

As was discussed in Chapter 1, greater attention to the social, political, economic and institutional context is essential for beginning to appreciate underlying barriers to, and incentives for, change, particularly change in the interests of those who hold the least current power in a development context<sup>9</sup> (DFID, 2003; Unsworth, 2003a, 2002; Eyben, 2003; Moore, 2001; Goetz & Gaventa, 2001; Houtzager & Pattenden, 1999; Merry, 1988). This thesis case study is based in, and continually draws linkages across, different levels of the development context in Pakistan. The centre of the case study is a capacity-building process on a Rights-Based Approach (RBA). However, underlying structures, dynamics and relationships within that process are shaped by the wider context. This chapter will begin to indicate how approaches to development, together with glimpses of a deeper social structure, thread through macro- to micro-levels, from the legal framework and policy-making processes to interactions in the training room where they influence barriers and incentives around change. The following chapters will build on the patterns uncovered here.

This chapter particularly examines the wider development context through an investigation of the enabling – or disabling – framework of laws and policies. The legal context, and the social and power relations influencing it, is particularly examined through the example of the Hudood Ordinance. The Ordinance is one representation of a world of normative and regulatory orders through which power is exercised over people’s lives but which, it will be argued, is treated as lying outside the bounds of ‘development’. This chapter therefore builds on themes raised in Chapters 1 and 2 around the dis-

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<sup>9</sup> DFID (2003:5-6), for example, defines change as pro-poor (in terms suggesting that pro-poor change is defined on behalf of the poor) where: factors driving economic growth generate demand for resources and skills to which the poor have access; the resources of the poor (particularly health, education, transport and communications) are enhanced; and institutions of

integration of different poverty reduction, macro-economic, rights and social development agendas. Boundaries operating in the wider context are a precursor to the bounded development model dominating the RBA process and begin to point to the barriers which would be breached by some actors' uses of a rights framework. The policy context is explored through the Poverty Reduction Strategy Paper (PRSP), which is a particularly significant expression of the visions of those who set the formal parameters for development and the assumptions and relationships through which development is pursued. The chapter examines the ways in which gender equality and rights arguments are used by those who seek change through challenges to the state and the 'enabling framework'. Donors interpretations and pursuit of rights and gender equality agendas, to which they have themselves subscribed, are also explored. The chapter begins to demonstrate, as an essential springboard for the following chapters, how understandings of RBA cut across organisational and technical boundaries and begin to connect instead with different views of social relations, relations with authority, and social and political change.

#### **4.2 Normative confusion & legalised discrimination**

Interpretations of rights in Pakistan are caught up in the competition between different normative and legal regulatory orders, and the central "struggle over distribution of power within a society [over] whose rules will govern behaviour" (Houtzager, 2001:8). Pakistan has ratified the Convention on the Rights of the Child (CRC) and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). It has therefore added an international legal dimension to the complex and often contradictory interplay of Islamic, Constitutional, statute, tribal and customary laws, with their different degrees of justiciability, normative bases and value systems (Ali & Jamil, 1994; see also Buskens, 2000, on relationships between Shari'a, state law and customary law). Pakistan has wavered between secularisation and Islamisation since its foundation but Muslim law has always permeated the legal system. The Constitution provides that:

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particular relevance to the livelihoods of the poor are accountable to them, and/or responsive to their interests.

All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah ... and no law shall be enacted which is repugnant to such injunctions. – Constitution of the Islamic Republic of Pakistan (1973): Article 227

Shari'a is therefore embedded as "the supreme source of law" (Mahmood, 1990:579). The Constitution acknowledges limited gender equality, to the extent of equality before the law (article 25<sup>10</sup>), and steps "to ensure the full participation of women in all spheres of national life" (article 34). However (and as will be argued by counterparts in the following chapters), these measures barely carry symbolic weight. The Constitution is frequently suspended, and its references to tolerance and non-discrimination in article 25 are echoed nowhere in statute laws. 'Islamic' legislation (for example, the Hudood Ordinance and Qisas and Dyat<sup>11</sup>) can over-ride other laws, such as the Pakistan Penal Code, or the new Juvenile Justice Ordinance and its prohibition of the death penalty for children. 'Islamic' laws add a discriminatory dimension to the many legal definitions of the child. Under 'Islamic' law, both boys and girls would be adult at puberty but, in the way it is interpreted in Pakistan, boys reach adulthood at 18 while girls are adult at menstruation, and so are vulnerable to criminal responsibility and capital punishment at an earlier age.

'Islamic' law and article 227 of the Constitution act as a powerful check on the rights of women and girls. A reservation was tabled when Pakistan ratified the CRC, that the Convention "will be interpreted in the light of Islamic laws and values". The reservation has been withdrawn, but a similar reservation against CEDAW stands. Rights of women and girls are therefore under the shadow of "Islamic injunctions", one of many indications of the far greater threat carried with gender equality, with its implications for social and power relations, than a neutralised, protective and providing approach to

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<sup>10</sup> Article 25: "All citizens are equal before the law and are entitled to equal protection before the law; there shall be no discrimination on the basis of sex alone; nothing in this Article shall prevent the State from making any special provision of women and children"

<sup>11</sup> The Qisas and Dyat Ordinance (1997) concerns retribution for murder and bodily injury (Qisas) and compensation, or 'blood money' (Dyat). The Ordinance permits murder to be treated as a private crime, governed by local custom, rather than one against the state. It permits compromise and out-of-court settlement, which particularly undermines prosecution of 'honour killing' (see Knudsen, 2004; Amnesty International, 1999).

children's rights. Family laws are an important site of struggle between expanding ideas of women's rights and the supremacy of Islamic laws. The Muslim Family Law Ordinance (MFLO) of 1961 is weakly enforced but has contained the strongest legal protection available to women in Pakistan, particularly in areas of marriage and divorce (key provisions of the MFLO are raising the legal age of marriage to 18 for boys and 16 for girls, making it mandatory to inform first wives of the wish to take a second wife, and requiring all marriages and divorces to be registered). In 1999, the Federal Shari'at Court backed petitions by religious lobbies to weaken the safeguards contained in the family laws. The move of the Shari'at Court was one "against women's rights and is seen as a victory for extremist religious elements"; it also broke the Constitutional limits of the Shari'at Court's power (NGO Review, 2000:19, 75).

Safeguards or erosions in statutes are irrelevant for many, if not most, women and girls. Their lives continue to be governed by the customs of *biradari* (kinship) systems overlapping with tribal law and interpretations of traditional Muslim personal laws which regulate family life (Pearl & Menski, 1998:48). An illustration of the power of custom and tribal law over women's lives came on 22 June 2002, when a Mastoi tribal court in Muzaffargarh Punjab ordered the multiple rape of a girl from the Gujar tribe (see Aurat Foundation, 2003). The rape sentence, which was carried out, was punishment for the affront of her brother's alleged affair with a Mastoi woman considered to be of higher caste. The case was only registered by police a week later because of sustained outside pressure, and those responsible only pursued because of determined international and NGO intervention. The case illustrated the complex interplay of caste, custom, Islam and formal state institutions. It also demonstrated how women and girls have little protection against the confusion amongst, and deliberate misinterpretation of, the different normative and legal systems and areas of jurisdiction. National laws are unclear, for example, whether or not a woman needs consent of her male guardians to marry a partner of her choice. 'Higher authorities' of the Qur'an, together with Shari'at Court and Supreme Court judgements, are clear that she does not. Despite higher judiciary judgements, police have continued to detain and register criminal charges against women who exercise their rights in entering marriage (Amnesty International, 1999a:1, 4). Such



confusion is a basic expression of the struggle over whose rules will govern behaviour, and sets the parameters within which substantive freedoms, capabilities and entitlements in development (Sen, 1999) have to be understood.

A core instrument acting on women's freedom, in marriage and in other choices, is the Hudood Ordinance and, in particular, its *zina* component. The Hudood Ordinance was introduced in 1979 in the Islamisation phase of Zia-ul-Haq and typifies the complex array of normative orders which are in operation but which are not acknowledged, and therefore not influenced, by mainstream development. It carries vast practical and symbolic importance and is a central rallying point for forces both opposing and supporting change. The women's movement was born largely in response to the Ordinance and the complementary Law of Evidence tabled in 1982, which have acted as an opposition rallying point for gender equality and human rights groups ever since (Khan, 1998). For many human rights and NGO groups, the Hudood Ordinance stands as the chief symbol of legalised, gender-based discrimination (see Aurat Foundation, 2003; Zahid, 1997; Jehangir & Jilani, 1990).

The Ordinance applies throughout Pakistan, supersedes other laws and enforces Islamic Shari'a punishment for the crimes of adultery, rape, prostitution, theft, alcohol consumption and bearing of false testimony (including *hadd* punishment – meaning 'the limitation' – of stoning to death, judicial amputation and flogging). *Hadd* can only be applied to adults. It has not been imposed on a child in Pakistan but can legally be carried out on a girl who has reached puberty. Many girls under the age of 18 are detained under *zina* charges and vulnerable to *hadd* sentences (on a field visit to the Central Prison in Peshawar, for example, more than half of the females were detained under Hudood and around half were under 18). The offence of *zina* is of particular concern as it "effectively provides for the imprisonment of women solely on grounds of gender" (Amnesty International, 1997b). *Zina* prescribes cruel, inhuman and degrading punishments to women and discriminates against girls through the lower age of criminal responsibility. A woman alleging rape but unable to prove it becomes liable for prosecution under *zina* for illicit sexual relations (rape within marriage is not recognised).

*Zina* laws therefore effectively remove women's rights to protect themselves. Only women can be subject to *zina* charges, a rule which violates the principle of equality before the law. The evidence necessary to impose *hadd* for *zina* is the testimony of four eye-witness Muslim men of good repute; the evidence of a woman is inadmissible even if she is a victim of rape, except for *ta'zir* (meaning discretionary or milder) punishments. The *zina* provision of Hudood is very widely used; in one police station in one year, 94 out of 113 cases registered against women were based on *zina* charges (Zahid, 1997).

The Shari'at court has declared the Hudood Ordinance un-Islamic and advocates wider implementation of *qazf* (punishment for false accusation) to deter parents from mis-using the powers contained in the *zina* laws. The 1997 Government-appointed Commission of Inquiry on the Status of Women declared the Hudood Ordinance un-Islamic, in conflict with the Constitution and failing to serve its purpose of deterrence. It recommended its repeal and the re-enactment of Pakistan Penal Code provisions making marital rape a penal offence. Under the military administration, there was expectation that the Hudood Ordinance would be quickly and completely disabled. Around three hundred women and girls held under the Ordinance were released in early 2000 and stronger controls over arrests were expected to be introduced (for example, requiring the District Commissioner to approve detention of women). However, the Hudood Ordinance has continued to operate. The National Commission on the Status of Women reviewed the Hudood Ordinance again and in September 2003 recommended its repeal. Repeal was again opposed by religious groups and others – including, significantly, the former Minister for Women's Development under whom the National Policy on Women's Empowerment was passed – who argued that the Ordinance was not the act of an individual (General Zia) but of “divine law” (‘Repeal of Hudood Ordinance opposed’, *The Dawn*, 6 September, 2003). The Government has still not acted to repeal the Ordinance.

The widely respected report of the Commission of Inquiry on the Status of Women (Zahid, 1997) used rights as a framework from which to challenge discriminatory laws and practice, particularly the Hudood Ordinance. The Commission based its critique on equality as a value which it located most forcefully and directly in Islam and in the

Constitution, and also in international standards to which Pakistan is committed, particularly the CRC and CEDAW. The report made broad recommendations for legal and policy reform. Pressure for its formal adoption and implementation has remained a central demand of gender equality and human rights groups. Core recommendations (most of which await action) include removal of discriminatory clauses from the Constitution, repeal of discriminatory 'Islamic' laws, creation and strengthening of laws on 'honour killing' and other forms of gender-based violence, strengthening family laws, legislative support to women's political participation, and stronger employment conditions, institutional provisions and social services.

The development context in Pakistan, including and beyond the legal framework, presents an overwhelming case for gender mainstreaming and addressing gender inequality. Almost all indicators point to the enduringly low status of women and girls, and describe stark inequalities in opportunities for females and males. The male-female ratio in Pakistan is the reverse of the global norm (1051 males per 1000 females – 1998 Official Census). This is likely to be linked to high female child and maternal mortality rates (the under-five mortality rate for girls, for example, is 114 per 1,000 live births compared to 108 for boys – Government of Pakistan, 1996-7a). Higher mortality and morbidity levels are themselves likely to be linked to the lower status of females at every stage of life. Women and girls are treated as symbols of male 'honour' and the strong, related traditions of segregation, seclusion and control constrict female mobility; they have implications for access to resources and services, including opportunities to be educated or economically independent (United Nations System, Pakistan, 2001; Amnesty International, 1999a, 1998, 1997b; Human Rights Watch, 1999b; Zahid, 1997; Mandelbaum, 1988). Disaggregated data are mostly concentrated in social sectors, reflecting a typical understanding of gender themes as social sector issues. Pakistan, for example, has seen impressive improvements in literacy and enrolment rates since the 1960s, but with lasting gender differences. According to Government figures, female literacy has increased from 6.7% in 1961 to 28.6% in 1995, but is still barely more than

half the male literacy level of 51% (Government of Pakistan, 1996-7b<sup>12</sup>). Completion rates are low: 37% of children are finishing primary school but boys are twice as likely to complete as girls (49% compared to 25% – Government of Pakistan, 1996-7b). A UNICEF Pakistan survey (1995) found that one child in five amongst this minority leaves school with basic competencies, and there are stark provincial differences: female literacy plunges from 33% in Sindh to 9% in Balochistan. In many parts of Pakistan, women are excluded from land ownership but they perform a vast amount of the hidden and unremunerated agricultural work. Pakistan ranks 100 out of 102 globally for women’s economic and political participation. Changes in women’s status are regressive as much as progressive; for example, Pakistan’s ranking on the United Nations Development Programme (UNDP) gender-related development index slumped from 107 out of 137 in 1996 to 120 out of 146 the following year (UNDP, 1996, 1997). Pakistan ranks significantly behind other countries in the region in gender-disaggregated and other key indicators.

**Table 3: Human development indicators – regional comparison**

	Under-5 mortality per 1000 live births		Ratio of girls to boys in primary education		Ratio of literate females to males		Public expen. on education (% GDP)		Human development index ranking
	1990	2001	1990-1	2000-1	1990	2001	1990	1998-2000	
Bangladesh	144	77	.81	.96	.65	.71	1.5	2.5	139/172 medium human development
India	123	93	.71	.77	.74	.82	3.9	4.1	127/172 medium human development
<b>Pakistan</b>	<b>128</b>	<b>109</b>	<b>.48</b>	<b>.55</b>	<b>.49</b>	<b>.60</b>	<b>2.6</b>	<b>1.8</b>	<b>144/172</b> <b>low human development</b>
Sri Lanka	23	19	.93	.94	.98	1.00	2.6	3.1	99/172 medium human development

Source: UNDP, *Human Development Report*, 2003

<sup>12</sup> Pakistan Integrated Household Survey (PIHS); the latest survey, for which data were collected in 2000-1, has still not been released

One of the most high-profile, human rights activists in Pakistan<sup>13</sup> argues that the daily lives of women and girls in many parts of Pakistan are so rigidly controlled, and their rights so contingent on the power of others, that “the right to life of women in Pakistan is conditional on their obeying social norms and traditions” (Hina Jilani, quoted in Amnesty International, 1999b). One key indicator of female status is the level of violence against women and girls. Violence and abuse are shrouded in secrecy but under the military administration their existence has been cautiously acknowledged. A survey on abuse against women, the largest of its kind globally<sup>14</sup>, was completed in 2004; the Government, however, refused to release its initial findings in 2003 and has suppressed the final report. Several small studies by local NGOs, and agencies such as Amnesty International (1999a) and Human Rights Watch (1999b), have meanwhile documented many manifestations and high levels of domestic, social and custodial abuse of girls and women (and often also of boys), including ‘honour killing’ and ‘stove burning’. Most studies of violence and abuse are small and qualitative, and in some areas there is no quantification (for example, “cases of assault in custody, for obvious reasons, almost never got reported but the informed assumption was that rarely a woman or girl who fell in police hands went unassaulted” – Amnesty International, 1998). Such studies, together with surveys of the media, give some indication of the extreme nature of gender-based violence, if not a reliable account of its scale. In Punjab alone, for example, 888 cases of murder of women were reported in 1988, 286 of which were carried out for ‘honour’ and 595 by relatives (Human Rights Commission of Pakistan/ Amnesty International, 1999b). *Karo-kari*, one version of ‘honour killing’, is a practice of punishing with death any male or female believed to have had an illicit relationship bringing dishonour; in reality, men often escape punishment while women are killed for reasons that are “rooted in the cultural and patriarchal perceptions of ownership of women and a woman’s body” (Zahid, 1997:87). Sindhi language dailies reported 66 *karo-kari* cases in the province between 5 January and 15 March 1996; in the previous 15 months, 246 *karo-kari* murders were reported (Report of Sindhiani Tehrik – Sindhi Women’s Movement – in Amnesty

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<sup>13</sup> Hina Jilani is also a Supreme Court Advocate and currently the UN Special Representative to the Secretary General on Human Rights Defenders

<sup>14</sup> Social Audit on Abuse Against Women (SAAAW), funded by the Department for International Development and implemented by UNDP and CIET International, based on 23,000 interviews

International, 1998). Other cultural practices include: *swara* (in North West Frontier Province) and *badl-e-sulh* in which – as in the Mastoi case – young girls or women are bartered in settlement of disputes; selling girls in marriage; and landlords holding girls as bonded labour (*kammis*).

There is growing recognition of violence against women and girls but not an effective ‘enabling framework’ to protect their rights (a situation which, as is discussed below, is paralleled in many areas of rights). The Report of the Commission of Inquiry on the Status of Women (Zahid, 1997) charged that law-enforcing agencies and the courts condone violence and abuse as much as challenge them (for example, in application of the Hudood Ordinance). Domestic violence is cognisable but effectively falls into a legal vacuum. Vague protection exists under the Pakistan Penal Code concerning “hurt to human body” (sections 299 and 338), but the provision is not widely understood or applied by the public, police or courts (Amnesty International, 1998). Convictions are difficult to pursue and, where successful, sentences tend to be light. By 1998, the Progressive Women’s Association had supported women in 60 cases of extreme violence but only two convictions had been secured; of 200 cases of women injured or killed in burns incidents reported in the Lahore press in 1997, police registered 30 complaints and six men were arrested (Amnesty International, 1998).

The scale, intensity and many levels on which gender inequality operates in Pakistan is, as use of the Hudood Ordinance indicates, caught up in interpretations of religious and customary law and norms. For many women and girls in Pakistan – as for people from religious minorities, low castes or living in extreme poverty (Government of Pakistan, 2003a) – norms of religion, custom and tribal law are interpreted in ways that exert powerful and direct control over their lives. Local concepts of equality and inequality determine who is located where in different hierarchies, and who is entitled to which resources and to make which claims. The Poverty Reduction Strategy Paper (PRSP), meanwhile, has become a cornerstone of national development policy and is particularly revealing of dominant approaches to development amongst both national partners and donors. Preparation of the PRSP ran simultaneously to the RBA process. The PRSP,

which dealt with people under ‘creation of Social Assets’ and ‘access to Human Capital’, had no overlap with the kinds of social and power relationships, and normative and regulatory orders, through which power is exercised over people’s lives. It was a prime expression of a formal, centralist approach; it was a prime example of the ways in which donors as much as Government avoid acknowledging goals to which they are formally committed, so allowing them to refer to empowerment, but to abdicate significantly from acknowledging or analysing the operation of power.

#### **4.3The Poverty Reduction Strategy Paper (PRSP) as a development metaphor**

The advancement of human rights needs to be integrated into all principal United Nations activities and programmes. – Kofi Annan, UN Secretary General, 1998

During the course of the field work, the Poverty Reduction Strategy Paper (PRSP) began to emerge in many developing countries as the central development policy framework and reference point for donor assistance. PRSPs are a requirement for developing countries to negotiate IMF and World Bank debt relief and concessional lending under the Heavily Indebted Poor Countries (HIPC) programme. Their immediate purpose is meant to be changing the way in which policy is made; longer term, they are meant to lead to more capable and accountable states (see DFID, 2002; ODI, 2002, 2001; World Bank, 2001; Wood, 2000). In many developing countries, therefore, donors now require that national partners use the PRSP to present an analysis of poverty and a nationally-owned strategy for its reduction. The World Bank’s core principles for PRSPs stipulate a multi-dimensional, long-term, results-focused, comprehensive and prioritised approach to addressing poverty, based on genuinely participatory national dialogue with a wide collection of civil society and other stakeholders. PRSPs are meant to be country-owned rather than statements of donor-driven agendas and conditionality; they are meant to strengthen domestic stakeholders’ capacities to take part in creating and delivering poverty reduction strategies.

PRSPs are therefore meant to take relationships between donors and national partners beyond instruments of financial aid to longer-term partnerships for poverty reduction.

They are meant to trigger a change in donor behaviour away from conditionality, short-term, controlled ‘projectised’ approaches and particular policy formulae, towards greater attention to the policy-making process. In some countries, favourable conditions in the national policy context combine with the likelihood of more coordinated donor approaches; there is therefore optimism that PRSPs can bring about positive change (see Mutebi, Stone & Thin, 2001). Preparation and implementation of many PRSPs, however, face many hazards, including unfavourable policy contexts, unreformed modes of donor behaviour, and difficulties in evolving genuinely participatory approaches, or in addressing gender equality in either process or content (see McGee, Levene & Hughes, 2002; McGee & Norton, 2000; Whitehead, 2003). Initial expectations about PRSP content in most countries are therefore limited. Quality of process is more important to begin with, and donors’ interest in and influence upon content should not mean slipping back into the policy-making driving seat.

In theory, the process is more important than the plan it produces (DFID, 2002), but the plan gives important indications of the politics and ideologies underlying development, and what is open for negotiation. PRSPs must be understood as work in progress, but they also reveal how particular voices at particular moments understand the visions, assumptions and relationships through which development is pursued. They indicate what is typically included and excluded when the disarray and complexity of a particular development landscape is surveyed. The plan indicates whether poverty reduction and development more widely are understood in terms of macro-economic growth, increased income, public service delivery systems and instrumental ends, with people serving as resources for ‘national development’; or, it indicates whether development is also understood with any sense of entitlements, obligations, opportunities, capacities, power and empowerment and, ultimately, the state and ‘national development’ serving (as Sen, [1999] for example, would argue) inherently valuable human ends. PRSPs indicate which voices and assumptions in a ‘country-owned’ perspective are privileged over others. As the rest of the thesis explores, the development metaphors emerging ‘upstream’ in the PRSP process were reflected ‘downstream’ in assumptions about, and approaches to, development, amongst mid-level counterparts. The Poverty Reduction



Strategy in Pakistan was therefore a concentrated, authoritative expression of the dominating visions, assumptions and relationships being confronted and, for some counterparts, challenged in discussion of a rights-based approach.

A PRSP is also indicative of dominant voices and assumptions amongst donors, and of the ongoing divergence between poverty and rights agendas. DFID's programmes, for example, are increasingly designed in direct reference to the PRSP. For UNICEF, the PRSP is one among many expressions of national policies and priorities to which the Country Programme relates, along with (and given no greater emphasis than) "sector wide approaches ... Comprehensive Development Frameworks and other instruments such as national Development Plans" (UNICEF, 2002b:20). Engagement with the PRSP in Pakistan was treated as a planning function while the bulk of the organisation pursued social sector Country Programme objectives within a series of vertical relationships, with little reference to Millennium Development Goals (MDGs) or poverty reduction. The division between rights and poverty was sustained despite UNICEF's Executive Directive on RBA, three years earlier, having centralised reduction of poverty as an ultimate objective of UNICEF programmes and signalled the need to develop a far more sophisticated understanding of and engagement with poverty frameworks (UNICEF, 1998:25).

A full PRSP was preceded in Pakistan by an interim PRSP (IPRSP) which was developing at the same time as the RBA training process for mid-level counterparts was underway. At an advanced stage of the IPRSP, gender focal points (who carry key responsibility for gender equality issues in donor agencies) were drawn into commenting on gender and rights themes within it, after it had passed through approval of key Government and donor actors. Many agencies had already had some senior-level involvement with the IPRSP, and the UN system particularly had been formally feeding into the paper since June 2000. The engagement of gender focal points with the IPRSP was most significant in exposing the limited penetration of rights and gender themes on mainstream development policy debate. Weakness or absence of rights and gender themes might not be surprising in a Government policy document, but the silence of donors on these themes was significant (and was repeated, for example, in uncritical UN

endorsement of the Government's poverty reduction strategy in the draft Common Country Assessment the following year – United Nations System, Pakistan, 2002).

Comments from gender and rights perspectives on the IPRSP were made by a UNICEF-chaired committee of the Inter-agency Gender and Development group (INGAD) at the passing request of the UN Resident Coordinator. INGAD members represented the bulk of the donor community in Pakistan as gender focal points of the multilateral and bilateral agencies and of development banks<sup>15</sup>. All member agencies of INGAD are committed within their mandates to gender equality, which is a condition of INGAD membership. In the UN system, there is theoretically a clear commitment to gender mainstreaming, with the ultimate goal of achieving gender equality (UN Economic and Social Council [ECOSOC], 1997/2). The Secretary General has declared gender equality is “more than a goal in itself” and is a “precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance” (UN ECOSOC, 1997/2). The UN system's definition of gender equality refers to “the equal rights, responsibilities and opportunities of women and men and girls and boys” (Hannan, 2000:2), which in turn flows into a rights agenda. UN members are also meant to “integrate” rights throughout their activities and programmes (as declared by the Secretary General, above) and many ascribe to rights-based approaches (see, for example, van Weerelt, 2001, on UNDP policy). UNICEF in particular is working under an organisational mandate to adopt a rights-based approach to programming. Rights and gender are held to be fundamentally related in the interconnections between the CRC and CEDAW, as asserted in the Mission Statement, the Executive Directive on rights-based programming, the Programme Policy and Procedure Manual and other key texts

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<sup>15</sup> INGAD member agencies: Asian Development Bank, Australian Government Overseas Aid (AUSAID), Canadian International Development Agency, DFID, European Union, Food & Agriculture Organisation, German Embassy, International Labour Organisation, International Organisation for Migration, Japan International Cooperation Agency, Royal Netherlands Embassy, Royal Norwegian Embassy, Swiss Development Corporation, UNAIDS, UN Drug Control Programme, UN Development Programme, UNDP Gender Equality Umbrella Project, UN Economic & Social Council, UN Fund for Population Activities, UN High Commission for Refugees, UN Information Centre, UN Industrial Development Organisation, UNICEF, UN Volunteers, UN Inter-agency Support Unit, World Bank, World Food Programme; organisational commitment to gender equality is a condition of membership

(UNICEF, 2002b:12-17; UNICEF, 1998). Beyond these statements, gender equality tends to be limited in programming to an instrumental justification of women's rights (contributing, for example, to more educated mothers) and an optional, add-on approach towards women in programming<sup>16</sup>. UNICEF has itself recognised that it refers to CEDAW as a guiding framework but women's rights and gender equality have often not been sufficiently operationalised (UNICEF, 2003:9).

INGAD's interaction with the IPRSP indicated that advocacy for mainstreaming of rights and gender equality remain as much required within and amongst the donor community (which claims rights and gender within organisational mandates) as it is externally with Government and other counterparts in Pakistan. Interaction with the IPRSP was therefore a precursor to a core theme running through the literature and through counterparts' reactions to RBA, that donors promote agendas and approaches 'out there' in programming whilst resisting change internally and in development relationships. The reaction of the Government and UN-led donor community to INGAD's initiative was to formalise the group's role in advising on gender themes in the later PRSP process (Government of Pakistan, 2003c). This recognition indicated that comments on the connections and disconnections between poverty, gender and rights had carried value for both donors and Government (it also pointed, as had the IPRSP itself, to a wider tendency to add on gender themes, in this case continuing to 'contract them out' to INGAD, rather than accepting the deeper challenge of bringing them into the mainstream).

The IPRSP expressed a vision of poverty reduction and, implicitly, development more widely as "accumulation of human capital" to "bring about real increase in productivity" with the poor approached as "human resource development" (p38). Overall, the IPRSP indicated that development was still conceived colossally instrumentally, with all elements justified in relation to serving macro-economic growth. A brief section on the legal system made reference to property rights (where an effective legal system was first

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<sup>16</sup> See, for example, discussion on accountability in the HQ training package on RBAP: programmes must be based on recognition of obligations to children and women, but all concern programming with children, are not gender differentiated and are without reference to women

and foremost linked to economic growth<sup>17</sup>) and the section on Gender Reforms referred to “international commitments”. Nowhere else did the IPRSP acknowledge people’s rights and nowhere did it acknowledge the specific obligations of the state to fulfil them, whether as a state party to the CRC and CEDAW, in reference to the Constitution, national laws or religious norms. There were some references to themes (which may or may not be understood in a rights framework) of participation, empowerment, addressing inequities and “effective transformation of society” – but these were disconnected phrases, not locked into any specific visions, processes, claims, relationships or analyses of forms of discrimination, gender-based or otherwise. The first paragraph of the IPRSP, for example, described its “twin challenges” as “reviving economic growth and eliminating poverty and social inequities”. Social inequities, however, were not given any analysis or substance beyond an implied linkage to “human capital” and consequently reducing income poverty and increasing macro-economic growth. Empowerment was mentioned in reference to “increased access to factors of production”; participation was likewise related to increased access to assets and services as a “major driver” of the final PRSP, but ultimately in terms of generating income and (important but narrow) “economic empowerment” (for example, p 11). In relation to a participatory process, consultations around the IPRSP had been vertically informative rather than participatory. For example, at the district level “the purpose of the consultation was to share poverty reduction efforts being made”; the IPRSP contained plans for unspecified participation of “the poor and vulnerable” but made no reference to participation of women (p. 63). Themes of basic needs and social exclusion were considered in income terms, related to access to markets, gainful employment and lack of resources (p 5). Other than reference to governance, causes of poverty were entirely economic (slow growth, rising unemployment, low level of national savings, fiscal imbalances, debt burden, trade and balance of payments policies, neglect of agriculture and misguided manufacturing sector policies, poor infrastructure, lack of human resources, pp. 7-8).

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<sup>17</sup> Introduction to three brief paragraphs on the legal system, p. 34: “A transparent legal system and independent judiciary is necessary to promote sustainable and higher economic growth, protect the interests of the poor by securing property rights, guaranteeing the sanctity of contracts, reducing harassment faced by the poor in their daily life and protecting disadvantaged and the underprivileged.”

The IPRSP declared mainstreaming gender a high, public-policy priority and acknowledged that “incidence of poverty affects women more adversely on account of their weak position, lack of equal participation in economic activity and inequitable access to productive resources” (pp. 51-2). There was therefore important recognition of gender inequality and female poverty. Children and women were part of the focus in the introductory analysis of causes and goals (p. 9, 13 etc.), and eliminating social exclusion and gender discrimination was declared one of the four guiding principles to encourage economic growth (p. 17). Major challenges remained, however, in giving any substance to mainstreaming gender or *addressing* exclusion, discrimination or gender inequality. Gender issues were only treated with any significance within sub-sections of “Social Assets Creation” under (a prescribed section) “Gender Reforms” and “Poor Women and Children” (pp. 51-3)<sup>18</sup>. Hard themes (planning, finance, manufacturing) were therefore severed from soft (children and women and their ‘needs’ as ingredients of ‘social assets creation’). Men were invisible in social sectors, and children and women invisible everywhere else, including discussion of macro-economic reforms (in vital areas of agriculture, industry, expenditure management, debt reduction, employment and trade policy), although there was a highly significant acknowledgement of the need to equalise rights to land ownership. As treatment of gender themes demonstrated, there was no integration in the IPRSP of social and economic policies (as agreed at the Copenhagen summit). There was also scant budgetary quantification (a planned increase of total public sector expenditure – including development expenditure, the Social Action Programme and social services – from 3.7% of GDP in 2000-1 to 4.5% in 2003-4 [p.15]). There was no budgetary gender disaggregation and no comparison with expenditure in other sectors of the economy (where debt, for example, accounts for 44.3% of GDP – GoP, Economic Survey, 2000-1).

Discussion of gender (and the 1990s National Plan of Action for women) was then substantially limited to crisis centres, the National Commission on the Status of Women,

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<sup>18</sup> There are small references to gender concerns/ women in relation to micro-credit (p. 36, the First Women and Khushali Banks with acknowledgment of gender discrimination in credit provision); devolution of power (p. 30, mentions 33% female representation, although not beyond district level); and the legal system (p. 34 refers to family laws and women in conciliation courts)

micro-credit, women in jails, child labour, social safety nets, food support programme, and shelters for destitute women and children. Gender themes were absorbed in a wider approach to social policy and protection which labels different forms of bounded, disconnected deprivation; it reinforces a stigma that labels people as poor and unable to look after themselves, diminishing their self respect and the respect of others (Sen, 1995; see also Norton, Conway & Foster, 2001). Very brief discussion of the legal framework (p. 34) was limited to the workings of the legal system with no reference to the linkage between poverty, rights and discriminatory legislation (nor to key texts such as the 1997 Zahid Report on gender discriminatory legislation). Data were only disaggregated (and only by gender) in some social indicators in the introduction (p. 6) and some aspects of health and education; data were not disaggregated in agriculture, asset ownership, employment or any other 'hard' sector. No gender-based indicators were mentioned in discussion of indicators and monitoring and evaluation (pp. 4, 61-2).

The IPRSP was following a long policy tradition in which "a high-level macro-view continues to look at women's development as a means to the end of overall national development" (Khan, 1998:vi) and to treat gender inequality as a social *sector* issue affecting women. Far stronger gender analyses and strategies were required in each social sector, as well as explicit resource allocations. In the IPRSP section on education, there was a presentation of the number of "female illiterates" relative to males, passing reference to the National Education Policy goal of "removing urban-rural and gender imbalances" and removing "gender disparities" in curriculum content, each of which greatly under-stated the gender challenge. Gender-based analyses and analysis of other patterns of inequality and discrimination were missing, as were strategies for closing the gender gap (beyond one reference to shortage of female teachers, p. 41). Donors were advocating that girls' education has to be central to the Poverty Reduction Strategy, as the World Bank did in a paper delivered at the Pakistan Development Forum (Stern/World Bank, March 2001). This was guided exclusively, however, by a goal of creating a more "highly-skilled labour force", not by any recognised and accepted commitment to fulfil the basic right to education, without discrimination.

The IPRSP approached poverty generally with the hope of increasing the income of the majority and providing safety nets for the *mustaquheen*, the “needy individuals” who fall outside the benefits of economic growth. Extreme poverty – discussed under sections on ‘Poor Women and Children’ and ‘Social Safety Nets’ – was addressed through isolated solutions of micro-credit, crisis centres, craft skills, funds for Women in Distress and Detention, child labour interventions, rehabilitation centres for destitute women and children, “enhancing indigenous philanthropy” and *zakat* (‘charity’ tax, or mandatory alms, paid on surplus wealth and production). These solutions were not linked into wider analysis of the structures and relationships surrounding extreme poverty (such as feudal and caste structures) or strategies to address them<sup>19</sup>. The IPRSP was therefore following a long tradition of ‘micro-ising’ development, which maintains a humanitarian rather than a developmental approach through bounded categories of people set apart from, rather than fully integrated with, anti-poverty policies (Kabeer, 2002; Mkandawire, 2001; Norton, Conway & Foster, 2001).

The assumptions, relationships and approaches evident in the IPRSP reflected long-running themes in development policy content and approach, which echo earlier contrasts between ‘welfarist’ approaches and processes of claiming entitlements. For example, the national 5<sup>th</sup> Five-Year Plan of 1978-83 contained programmes for women and children within a “paternalistic and welfare-oriented framework” addressing the “state priority” of child welfare and women’s welfare “through establishment of ‘socio-economic centres for women’, industrial and craft centres, hostels for working women, and homes for destitute women” (Khan, 1998:12). Themes of the IPRSP were also echoed, for example, in the National Policy and Action Plan to Combat Child Labour (2000a). The challenge of addressing child labour was treated overwhelmingly as a challenge of economic empowerment and children treated as economic resources (p. 7). The child labour policy and action plan referred on two occasions to rights (p. 8, 23) but rights were not

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<sup>19</sup> The Participatory Poverty Assessment (PPA), for example, demonstrates that caste is an important determinant of poverty status: “Low castes were amongst the poorest of the poor and suffered extreme discrimination and deprivation. People from low castes had no rights and had to obey the orders of the ‘notables’ in the area or face dire consequences. Low castes were extremely vulnerable and given no respect by others – they were not considered to be equal with others.” (PPA, 2003:6)

integrated into the remainder of the plan. The NPA did not analyse discriminatory structures, disempowerment and exclusion surrounding child labour, for example systems of bondage in which families are literally ‘owned’ as workers, or the non-implementation of the Abolition of Bonded Labour Act. Again, the child labour NPA vested enormous hope in ‘compulsory charity’ of *zakat* and *Bait-ul-Mal*, despite the basic inadequacies of these systems<sup>20</sup>. The Participatory Poverty Assessment (Government of Pakistan, 2003a) demonstrates the ineffectiveness of *zakat*, and perceptions that only those with power and influence receive *zakat* resources; it also provides data on (a theme running throughout this process) low expectations of formal systems like *zakat*, particularly amongst those with little power, and far greater reliance on informal ‘social capital’ and safety nets<sup>21</sup>.

Expectation in the IPRSP that *zakat* would provide “sustainable livelihood to the poorest of the poor” (p. 37) indicated a ‘charity-based’ approach to extreme poverty; it reinforced a relationship where there was some acknowledgement of the duty to give (linked to language of “rehabilitation” of “needy individuals”), but none of the entitlement to claim. No relationship was drawn between the state and those in extreme poverty, or the state and children and women, except with the goal of increasing income via goals of increasing human resources. It was ultimately unclear on what basis – why, to whom and for what – the state was to be made more accountable. The single reference to international commitments (under “Gender Reforms”) implied accountability to the international community rather than the women and girls whom these commitments concerned. Increased accountability was presumably to be grounded in delivery of agreed outputs of the final PRSP (although who these outputs were to be agreed with was not explicit), or more widely in delivering a ‘highly-skilled labour force’ as the basis for economic growth.

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<sup>20</sup> *Bait-ul-mal* means ‘treasury’ and is a social welfare fund, or institution, for giving support to the poor; *zakat* is one of the five pillars of Islam which means purifying oneself of possession of wealth by distributing prescribed amounts to the poor (or the indigent, slaves, captives or wayfarers)

<sup>21</sup> “The government gives *zakat* to nazims in order to help the needy, but they just divide it between their relatives. Nobody even asks the real deserving poor.” (Informants, Ahmed Park, Lahore, Punjab – PPA, 2003:140-1); Lack of interaction with, respect for, or expectations from



The IPRSP therefore contained a macro-economic, service-centred, instrumental approach; it overlooked the 'private' sphere, and any relationship between the state and 'citizens' or society, beyond contributing to macro-economic growth. Each of these elements was reinforced, rather than challenged, by donors, except by those who were centrally concerned with gender equality. The full PRSP of December 2003 attempts to address the shortcomings highlighted by gender focal points ("Addressing IPRSP Gaps", Government of Pakistan, 2003b:93-96). New themes are introduced, such as gender budgeting, the National Policy for Development and Empowerment of Women, women's political participation and 'family protection' as a euphemism for violence against women. However, the fundamental position that gender mainstreaming is an instrument for economic growth still stands. As the RBA process was to prove, understanding development and addressing inequality on any other basis than being instrumental to economic growth would require a major wrench.

#### **4.4 Rights in Pakistan: too 'soft' or too sensitive**

Two core themes were illustrated by the IPRSP. Firstly, as is discussed below, there was confusion between means and ends (acknowledging or analysing inequality as distinct from achieving equality). Secondly, there was the divorce of rights – or gender equality as a core aspect and sole expression of rights – from 'hard' themes and sectors, such as macro-economic growth, planning and finance. The separation was manifest between and within organisations as well as in substance (between, for example, the role of the planning section within UNICEF and the role of the section in which many aspects of rights and gender continued to be closeted). Counterparts within the RBA process often argued that 'hard' planning departments relegated departments and individuals working on rights to the margins of decision-making processes. Working on rights was conceived as 'soft' and irrelevant (for example, responding to extreme poverty with "let them eat rights" – discussion with SC Alliance colleague, Islamabad).

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formal systems was a regular theme, for example in those vulnerable to vagrancy charges (Society for the Protection of the Rights of the Child/ UNICEF Islamabad draft report, 2002)

Equally, rights (and gender equality as a central theme) tended to be marginalised because they were too sensitive and political. Analysis of PRSPs demonstrates that most have overlooked rights, just as human-rights institutions have tended to overlook the poor; few Governments have been willing to engage explicitly through PRSPs with sensitive issues of structural inequality, discrimination, conflict and the political processes behind prioritising competing claims (see Thin, Underwood & Gilling, 2001; Thin, 2001). Rights have rarely been promoted by the key donor institutions behind PRSPs any more than national partners (Thin, 2001); the World Bank and IMF review of the Pakistan PRSP, for example, commented on costing rather than substance (IMF/ IDA, 2003). Key donor institutions behind the PRSP therefore tend to reinforce divisions of social and economic policy, of 'hard' themes such as planning from 'soft' (or sensitive) themes such as rights and gender equality, and of instrumental and normative agendas. The limited idea of rights in the UN system is illustrated by the final Common Country Assessment (UN System, 2003), which, under tables of indicators, has one single human rights indicator, that is numbers of trade unions.

In Pakistan there are lively organisations and networks pursuing their understandings of rights and gender equality but, as the IPRSP suggested, these have little influence on core policy-making and planning processes. Within Government, formal responsibility for rights (meaning, responsibility for CEDAW and the CRC) is concentrated in the Ministry of Women's Development, Social Welfare and Special Education (MoWD). Within MoWD there is a small, minimally staffed but industrious department responsible for children's rights, the National Commission for Child Welfare and Development (NCCWD). A Human Rights Ministry made a brief appearance before being demoted to a department under the Ministry of Law & Parliamentary Affairs where, from the perspective of some NGOs, it was constrained by "lack of political will and commitment to bring about real change" (NGO Review, 2000:15).

MoWD has long used the language of rights but has not brought about legal change or given consistent policy positions on women's rights. The national report for the Fourth World Conference on Women in Beijing in 1995, for example – before CEDAW had been ratified – argued in strong language for ending rights violations and recognition of

gender-specific rights, including equality within the family and reproductive rights; it advocated enlarged Constitutional guarantees, revision of laws, measures to increase women's visibility, increased participation in politics and decision-making processes, and removal of social, religious and cultural barriers. The NGO Review of 2000, however, stressed that there had been no sustained effort to change laws or practice, and only a single bilateral programme (planned rather than implemented) to create mass awareness of human rights. At the Fifth World Conference, Beijing Plus 5 in 2000, the Pakistan delegation allied with Islamic states and the Vatican to block expanded definitions of women's rights contained in the Beijing document, especially in relation to reproductive rights and sexuality.

Pakistan's position at Beijing Plus 5 illustrated how MoWD has perpetually balanced international commitments with internal pressures and cultural norms. Unlike other ministries, it was argued in the NGO Review, MoWD was vulnerable to charges of pursuing a 'Western' agenda which was "incompatible with religio-cultural social norms and traditions and, thereby, unworthy of GoP ownership and commitment" (NGO Review, 2000:18-21). The draft National Policy for Women (April 2001), for example, was "the only policy which begins with a justification in Islam" and stressed compatibility with religion to an extent that was apologetic (female UN colleague). The introduction to the 2001 draft policy stated:

It may be said that no document is more gender sensitive than the Qur'an itself... In fact, women's roles and responsibilities as engendered in Islam, accord them a high status in the family and societies ... The policy will overall advocate and highlight Islamic/ religious rights/ obligations of society, towards women and girls in all spheres of life ... (p. 1)

By the following year, and unlike the IPRSP, the National Policy for Development and Empowerment of Women had gone through wide consultations and emerged as a far stronger statement of women's rights and gender equality. It aimed for "in accordance with [the] vision of the Qaid-i-Azam [the founder of Pakistan], achievement of: gender equity and equality; social political and economic empowerment of all Pakistani women at all levels; a just, humane and democratic society; economic prosperity through sustainable development" (p. 1). The policy made forceful statements about women's

social, economic and political empowerment, addressing exclusion and inequalities, and eliminating all negative social practices. It claimed to be guided by human rights as expressed in the Constitution, international instruments and “Islamic principles of justice and equity”. The National Policy was passed after the conclusion of the mid-level RBA training and one of its guiding principles was “the universally recognised rights and responsibility-based approach” (significantly adopted in MoWD’s own formulation, in contrast to comments during one of the policy consultations where RBA was described as “UNICEF’s approach”). The National Policy was significant in achieving on paper its own, more assertive, reconciliation of human rights with an Islamic framework, a national legal framework and international instruments. The IPRSP demonstrated, however, that change in mainstream policy required far more than forceful expressions on the margins. Other policy plans and recommendations (especially the National Plan of Action for Women and report of the Commission of Inquiry on the Status of Women) have simply been shelved; the presence of gender-equality statements, or their absence, in mainstream policy tend to amount to the same lack of change in the lives of women and girls.

The National Commission for Child Welfare and Development (NCCWD) is a catalytic force for children’s rights. The Commission has demonstrated that pursuing article-by-article change can be effective; it has opened up many new areas of children’s rights, addressing child labour, juvenile justice, children’s participation, birth registration and sexual exploitation and abuse. NCCWD has ensured the passing of a new law on juvenile justice which, on paper, significantly improves standards pre-, during and after trial (particularly, in abolishing the death penalty for children under 15, banning excessive or degrading punishment, establishing separate juvenile courts and encouraging alternatives to custody). Treatment of children in conflict with the law in Pakistan had been especially criticised by human rights groups. Human Rights Watch (HRW, 1999a:1) found 2,700 juveniles in Punjab prisons in February 1998, 91% of whom were awaiting trial in a system for which the conviction rate for children is only 13-17 percent (see also HRCP Annual Reports, 1997-8, and small NGO studies, such as Dost Welfare Foundation, 2000). According to Amnesty International, Pakistan has had the second

highest number of children under sentence of death in the world (Amnesty International, 1999c). The Juvenile Justice System Ordinance (JJSO) offers a case study of how compartmentalised children's rights are, and how key institutions can be unaware of their responsibilities (or abdicate from them). Months after the Ordinance was enacted, for example, the President of the Federal Judicial Academy (the institute responsible for training higher level judges and magistrates throughout Pakistan) admitted he had never heard of the new law; lawyers often made the same admission, often with the explanation that they "don't have time to read laws" (Federal Judicial Academy meeting, December 2000; discussions with lawyers, human rights training workshop, December 2000). Even those who were aware of the Juvenile Justice System Ordinance, and were working explicitly on the rights of children in conflict with the law, tended to speak of juvenile justice in micro-individual terms of 'reforming delinquents' rather than structural reform (in a system where, HRW claims, more than 80% of juveniles who are detained are never convicted of having committed an offence).

Significant, hard-won formal developments, such as new laws, therefore have little significance where there is continuing ambivalence around the idea of rights. The IPRSP illustrated the tension and contradiction between rights being treated as 'soft' and marginal, but at the same time being marginalised because they are highly politicised and sensitive. As has been demonstrated by the Zahid Report (1997), as well as the women's movement and large NGOs such as Aurat Foundation, rights have been used effectively to evaluate and criticise those holding power. Rights have been mired in tense relationships amongst Government, religious groups, Non-Governmental Organisations (NGOs) and civil society organisations (CSOs), which became particularly threatening under the elected government of Nawaz Sharif of 1997 to 1999 (Tierney, 1998). Fundamental human rights – and human rights activists – were especially endangered by the 15<sup>th</sup> Constitutional amendment which was pending in the Senate at the time of the military take-over in October 1999. The Amendment would have cleared the way for 'Islamic law' to override any other legal provisions, giving the executive (effectively the prime minister) sole authority over its interpretation, "to prescribe what is good and to forbid what is wrong", irrespective of constitutional provisions or judicial precedent. At

the same time, the Government had been attempting to revive the Government-NGO bill which would have seriously curbed NGO freedom. Before the military coup, many NGO activists claimed to have suffered threats and harassment from Government officials (Tierney, 1998). Under the military government, there was – literally – burning hostility towards NGO groups, particularly strongly amongst religious leaders and particularly in NWFP where “the opposition to foreign funded CBOs [community based organisations] and NGOs was ... highly visible” (Government of Pakistan, 2003a:118). For their part, NGOs and human rights groups feared the possibility of sliding into an “Islamic order” (NGO respondents in Tierney, 1998:8).

The military administration has taken more steps to promote human rights, particularly women’s rights, than the elected civilian Governments preceding it: it held a Human Rights Convention (2000), passed the JJSO, ratified ILO Conventions 182 and 138, passed a National Policy on Women’s Empowerment and created a National Commission on the Status of Women (although, from the perspective of what was promised, with compromised authority and independence). Most significantly, it began to implement Devolution which put responsibility and authority for many development areas in the hands of elected district officials and has promised to push planning functions further down the hierarchy. Within the Devolution process, the military administration took the low-key revolutionary step of reserving 33% of seats for women. However, it has failed to deliver on expectations that it would dismantle structures of legalised discrimination, particularly those carrying ‘Islamic’ force, as has been forcefully recommended by the Commission of Inquiry and the National Commission on the Status of Women. The administration has been relatively free from the pressures of political or feudal constituencies and initially co-opted high-profile civil society activists into the National Security Council and cabinets. The military government therefore had more freedom and internal drive than previous governments for making bold reforms. Plans to dilute the Blasphemy Laws, however, were immediately abandoned when religious groups objected. There has therefore been cautious expectation of change, but the tensions and contradictions between international, national, religious, customary and tribal laws,

norms, standards and understandings of rights have continued largely unmediated and unresolved.

#### **4.5 Distinguishing means & ends**

The IPRSP highlighted the need for conscious *political* commitment behind theoretical development commitments, most obviously in this case, the commitment to pursue rights and gender equality as a central element of rights. It highlighted the gap between, on the one hand, introducing a gender perspective with an element of gender analysis and, on the other, gender mainstreaming with the clear aim of achieving gender equality; any discussion of gender inequality – or empowerment, participation or change – was in service of macro-economic growth, not of achieving equality, however that may be defined. The IPRSP, and the UN system's engagement with it, demonstrated the need for a stronger comprehension of, and commitment to, gender mainstreaming, both through deepening gender dimensions to the analysis of poverty variables (the means) and through strategies to achieve gender equality (the ends). As has been argued within the UN itself, clear understanding of the difference is essential because “change doesn't follow from gender analysis or perspectives but requires political commitment to promote equality” (Hannan, 2000:2).

The IPRSP pointed to a parallel challenge emerging with a rights-based approach, which begins to relate to the tension between formal, centralist and more pluralist perspectives. It pointed to a ‘missing middle’ between criticising violations and rousing ideals (Thin, 2001), and in that middle ground is the core challenge of working out a positive change agenda. On one hand there is the increasing clamour of the means (the introduction of rights language, a rights perspective and rights analysis). On the other is the challenge of mainstreaming rights and clarity over, and commitment behind, the ends being pursued (which, as slow implementation of the Juvenile Justice System Ordinance indicated, are more complicated, and less ‘bounded’, than pursuing fulfilment of particular articles).

Understanding amongst donors of rights-based change is divided between those

advocating bounded change ‘out there’ (contained rights-based programming) and those advocating less contained, more structural change through rights-based development. For some in UNICEF in Pakistan, adopting RBA meant a change in the knowledge upon which programming is to be based (more complex assessment and analysis) and in language, perspectives and attitudes (viewing the state as the prime duty-bearer, greater attention to empowerment and participation, perceiving children and women as rights holders rather than passive beneficiaries). Emphasis was on change in language and attitudes (that ‘needy individuals’ now have rights and the state is accountable for fulfilling them), but not on profound, less tangible change – as would be follow from commitment to gender equality – in that context itself, in an underlying structure and its relationships. RBA could therefore be presented as a simple, comfortable programming adjustment, and support for this view could be detected in core organisational documents. The 1998 Executive Directive on adopting RBA argued that the “policies and Programmes of Cooperation supported over the past 20-30 years are very largely consistent with the provisions of the CRC and CEDAW” (UNICEF, 1998:6; see also van Weerelt, 2001). The Executive Directive presented RBA as requiring us to be “mindful” of some new ideas:

A rights-based approach to programming means that we must be mindful in our development work of the basic principles of human rights that have been universally recognised and which underpin both CRC and CEDAW: *inter alia*, the equality of each individual as a human being, the inherent dignity of each person, the rights to self determination, peace and security”. – UNICEF, 1998:6 (although a different set of ideas than these – equality, dignity, self-determination, peace and security – is usually used to conceptualise RBA)

The Executive Directive, however, mapped out major challenges and changes following from RBA (although without clear conceptual frameworks addressing why or how). It argued that programming needs to be based on understanding of societal, behavioural and cultural patterns, with a strategic analysis of how to approach the “long-term proposition” of changing societal values. While UNICEF has long engaged with changing behaviour, and to some extent values, sights have been set on particular messages and outputs (such as immunisation) rather than the context and relationships within which programming was taking place (such as wider patterns of discrimination, inequality and exclusion).



The Programme Policy and Procedure Manual (UNICEF, 2002b:16) signalled the need for change in legislation, customary law and traditional practices; it pointed to long-term change in underlying conditions and working towards social, economic and legal transformations, “including underlying inequity or discrimination based on gender, ethnic origin or social class”. Both the Executive Directive and the PPPM have stressed the importance of developing partnerships (although neither implied a changing definition of partnerships other than greater quantities and duration). Both have also stressed the need to become far more competent in influencing public policy and policy formulation (presumably including the PRSP and presumably influencing in the direction – as was not evident in any substance in the IPRSP – of long-term, underlying change which addresses inequity and discrimination).

UNICEF’s Executive Directive, the PPPM and global training package (UNICEF, 2000) introduced RBA with entirely formal reference to the UN mandate and institutional relationships with the UDHR, the CRC and CEDAW. Formal approaches tend towards a rousing, universalist, ‘manifesto’ statements without grounding them in the complex politics and power relationships operating in different contexts. They imply that ‘universal consensus’ follows from the act of ratification and what then remains is a technical issue of follow-up (like the IPRSP, within tightly limited spheres of activity and unchanged relationships). There is a missing middle between the ideals and getting lost in overwhelming “principles of good programming, such as the assessment and analysis of the situation of children, the use of disaggregated data to identify and address disparities, participatory approaches, partnerships, community capacity building and empowerment” (UNICEF, 1999:1). There is also a tendency to discuss means without ends (to refer to gender discrimination without explicitly aiming for ends of gender equality) and to treat development in bounded categories which do not acknowledge the relationships across and within them. Rights-based development, rather than bounded rights-based programming, would reflect attention back into what norms, values and relationships are operating within organisations as well as out in the field in isolated traditional practices’. Divisions would then be less defined by organisational, donor-recipient and West-non-West boundaries than by politics and visions of social change.

## 4.6 Conclusion

The IPRSP indicated, unsurprisingly, that rights, and gender equality as a central aspect and sole expression of rights, were marginalised in mainstream development policy debate. Repeated drafts, unchallenged by donors, remained at the shallow end of acknowledging a gender perspective and the existence of gender inequality while avoiding commitment to achieving gender equality. By avoiding explicit commitment to goals such as gender equality it was possible, for donors as much as Government, to refer to empowerment but to abdicate significantly from acknowledging or analysing the operation of power. By maintaining boundaries between economic and social spheres, and concentrating on an instrumental agenda geared to economic growth, development could remain (unchallenged by donors) focused on outputs rather than the growth of more complex relationships – involving, for example, a less simple engagement with extreme poverty than the provision of safety nets to “needy individuals”.

The PRSP particularly demonstrated that rights, and gender equality as a particularly sensitive and visible aspect of a rights framework, have scarcely dented national policy-making processes and that amongst both national partners and donors, commitments to rights are neither comprehended nor pursued. Gender issues, for example, are captured by an instrumental agenda which essentially works through, and reinforces, existing relations, typified – as the World Food Programme summarised its “commitments to women” – by “putting food in hands” (Islamabad meeting, 2002; see also WFP, 2002). In the RBA process, rights would be similarly co-opted into an instrumental agenda (if, for example, an individual’s rights are fulfilled “he/ she will be productive in an optimal way” – Q. 27). From national policy processes to the training room, women and children therefore remained locked into an instrumental current. The purpose of investing in women is to have healthier children, and the purpose of healthier children is greater productivity: as one counterpart would declare in the RBA process, “if we produce high quality children our future will be protected” (Sajid). The position of women, children or the most marginalised in the development structure – as it was presented repeatedly in policy and programming discussions, and in the RBA process – is the antithesis of the

concept at the core of an understanding of rights: the “acceptance or otherwise of the *concept* of the human being having inalienable rights *qua* human being, the rights-holding individual” (Dalacoura, 1998:8).

The IPRSP displayed a highly instrumental, bounded development model. This model is separate from, and therefore not impacting on, the normative orders – epitomised by the Hudood Ordinance – that have direct impacts on people’s lives and on their recognition by others individuals, by state and by social institutions. As the rest of the thesis explores, counterparts who became enthused by a rights-based approach used it as a framework (as the IPRSP did not) for breaking through those boundaries and connecting patterns of discrimination and inequality with mainstream development visions, relationships and processes. Children’s rights can be treated (and usually were) with an emphasis on the technicalities of providing rights, rather than on the sensitive power-centred and political issues behind claiming them. As manifestations of gender inequality in Pakistan demonstrate, women’s rights, and gender equality as a core aspect of children’s rights, collide with different sources of power and powerful expressions of custom, tradition and religion. A commitment to gender equality and an underlying commitment to rights pointed (as mainstream policy did not) beyond more efficient services to transformed relationships.

## **Chapter 5: Critical analysis & ways of seeing**

### **5.1 Introduction**

The previous chapter explored the ways in which social and power relations are reflected and reinforced in the laws and policies of the 'enabling environment'. It reached into the tightly bounded sphere of development policy making and began to portray a bounded development model which 'delivers' to, but is disconnected from, society, and from the norms and power relations which impact on people's lives. It began to indicate that there are different understandings of a rights agenda which grow out of different perspectives on development, as geared towards particular outputs, or as geared towards transformed relationships. These different perspectives, as was particularly indicated in relation to gender equality, begin to point to different underlying positions on social and political change.

In every training venue, opposing positions on social and political change would carry into a crisis. Each crisis was triggered by rights ideas being used to challenge the dominant bounded, hierarchical development model and relationships. The strength of the crisis signalled the strength of resistance against breaking through the barriers operating in development, and against individuals being entitled and enabled to engage in critical analysis and more active, creative roles. The crisis was most dramatic in the first stage of training trainers where it initially manifest as a confrontation between donor and counterparts (and by inference, between 'inside' and 'outside', and 'West' and 'non-West'). However, it enabled those involved to drop institutional roles and the polite, wary rigidity imprisoning development relationships, to break through organisational boundaries and hierarchical identities, and to begin to break into critical analysis of social relations, of institutions and of power. The critical episode carried great risk around the delicate relationship between donor and counterparts, but it was the foundation from which some began to risk change (Crawford, 1991). It was followed for many by some important transformation in their thinking and their approaches to their work, parts of which were demonstrated in assignments they carried out, and in their discussions and

performances in subsequent parts of the process. For others, equally importantly, it was followed by no transformation. Throughout the process, individuals referred to the crisis as a decisive point which had gone to the heart of something critical in their own 'programming', although any transformations remained very difficult to articulate. It began to demonstrate the extent of change implied by RBA for development practice and relationships, but also for (and within) development actors.

## **5.2 An absence of questions**

In every training venue, the final four-hour session – a participatory exercise on integrating RBA in the programming cycle – precipitated a crisis. The exercise was a transition point between talking about abstract ideas and (talking about) applying them to development realities. It was intended to bed down a succession of elements, many of them muddled and repetitive, by welding two and a half days and evenings of intense, often explosive discussion into familiar, concrete areas of development practice. The session was therefore the crux of the process in which a portion of UNICEF was gambling significant resources. The training team was led by Pakistani people with years of participatory training experience. The team was approaching the RBA process as exploratory and dynamic, but carried the heavy burden of having something to prove to a critical audience in national and regional offices. A strategy of building teams of trainers and, through them, relatively autonomous processes in each province was controversial because it implied breaking down planning and programming as an area of central authority and 'expertise' to a wider range of 'inexpert' actors.

The first and most dramatic example of the crisis occurred during the first stage of training trainers. Training of trainers (ToT) was the phase prior to training counterparts. The ToT was split into three stages in which trainees were taken through four days of the package as normal participants, followed a month later by five days of building understanding of RBA and participatory training skills; the following month they were to be thrust onto the floor to train a set of counterparts and demonstrate to the many doubters that 'UNICEF's' rights agenda, in all its sensitive complexity, could be

entrusted to intermediaries. The first stage of the ToT was therefore the first time the training package was being tested amongst counterparts, who were themselves implicitly viewed as instruments of a linear process. They were a channel, a means to a greater end, expected to become well-rehearsed, disciplined vessels which would transmit the approach to those expected to put it directly into practice. Earlier experiences with the package had been in the internal UNICEF training (which had been infected with all the complex relationship issues particular to that group) and in a pilot training with counterparts. There was therefore some experience and confidence in the subject and method amongst those leading the RBA process.

The training of trainers began with the UNICEF team and a diverse group of participants gathered in the pleasant and polite atmosphere of a remote mountain hotel<sup>22</sup>. Much energy had gone into making the physical environment as colourful and comfortable as possible. Vibrant charts covered the wall and the training room had, as usual, been reorganised from a rigid, formal school-room setting to a more relaxed, fluid set-up between trainers and participants. Heavy 'input' sessions were frequently broken up by group work, with groups painstakingly chosen to balance sectors, provinces and gender, and to counteract dominating personalities. Counterparts were encouraged to break into stories, songs and poetry whenever energy waned. This they did with zeal. Throughout the training and those that followed, dense, tense atmospheres would dissolve with outbreaks of rapid Urdu and laughter.

Strains and concerns bubbled under the courteous surface. There was dismay as the training team looked at what should have been an impressive team of experienced participatory trainers. Instead there was a medley of counterparts from government and Non-Governmental Organisations (NGOs), which was an indicator of the lack of

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<sup>22</sup> In this chapter, participants are those who were part of the Training of Trainers (ToT). In later chapters, when they were functioning as trainers, they are described as such. Participants in the ToT were supposed to be already skilled as participatory trainers, but many were development partners with a role in UNICEF's Country Programme (counterparts) who had no training experience at all. The terms participants, trainers, trainees, counterparts and partners are therefore used interchangeably at this stage to describe a group from which the RBA trainers came.

participatory training skills available. There were 31 *buray sahibs* ('big men', important gentlemen) and *memsahibs* from government bureaucracies and activists from NGOs' participants came from all levels – young, mid-career and approaching retirement – and from provinces and districts all over Pakistan. Many were assumed to be too meek and to have too little status to make a potential impact on senior counterparts. Hope was vested in the few who had strong training experience and it was quickly expected that less than ten adequately skilled RBA trainers would emerge from the investment. Less than ten effective trainers did emerge from the three phases of the ToT. Many of the original trainee trainers put RBA into practice in a multitude of ways, but, as would quickly become evident in the ToT, only a handful would demonstrate effective impacts on the thinking and practice of others. All of these were the young, the meek, the low status, and mostly outside Government. Those with ready-made skills and status proved unable or unwilling to re-programme and most resented – along with 'experts' throughout the process – having to learn.

Participants were meanwhile expressing uncertainty. Many had been delegated to attend with little idea of why they were there. They had been selected as, and many were confident and assertive behind, their institutional selves (senior male bureaucrats, for example). However, apprehension kept being ratcheted up and it was clear that they were going to be evaluated on their individual skills. The training team was well aware, from internal experiences of discussing RBA, of the sensitivity of a rights framework, particularly where it collides with social, cultural and religious norms and values, and with power relations; the process therefore carried the very real danger of creating serious confusion and damage in a donor's name. Participants were told that they have to work extremely hard, they would be assessed and they would be selected or dropped as potential trainers. As one NGO trainee (Sharif) argued, such demands were especially bewildering for Government participants who were unused to their individual capacities, lists of conditions and follow-up demands being features of donor workshops. Energy levels surged in the first two days, with the training team declaring they had never seen such a positive, proactive group. Despite initial worries, the group seemed promising. Participants worked enthusiastically through the sessions, especially through Market

Stalls where they imaginatively visualised the operation of rights principles – participation, non-discrimination, accountability and the best interests of the child – in health, education and sanitation sectors, and in birth registration (see Chapter 3, table 2).

In the final session of the training, the crisis erupted. Discussion about rights and RBA had often been heated and tense but it had flowed smoothly into Market Stalls. Groups had taken RBA ideas and worked with them. There had been long processing discussions to cover gaps: what, for example, might be the different layers of accountability or who was being excluded from primary education and why. In the next exercise, participants hurled rights aside. Participants had four hours in their groups to apply rights principles within a logical, methodical framework of the programming cycle with its steps of assessment, analysis, priority and objective-setting, activities, monitoring and evaluation. Each group was given a particular scenario around which they were to design the outline of a rights-based programme<sup>23</sup>. Groups were to draw on earlier discussions and on briefings, including an attempt to design a rights-based programme in a fictional child health programme.

Groups were left to begin their work. Later, wandering through the breakout rooms, there was a startling lack of energy and an alarming picture was to be seen emerging on the boards. Some groups were in the grip of a *bura sahib* (an older man from Government) who was dictating points to another participant, usually a woman, who would pin them on the board while the others looked on silently. Others were more participatory – as one Government planning officer, Rukhsana, described these groups, an “army of generals” – but most had deferred to some degree to a dominating ‘expert’. The output of all was the same. For example, the ‘refugee group’ had entirely disregarded refugees. Refugee children whose births had not been registered were invisible; there was no assessment of how many were girls or boys, where they live and in what situations; there was no reference to their status as a particularly insecure,

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<sup>23</sup> 80% of refugee children are not being registered; 60% of children from religious minorities are not enrolled in school; the ratio of maternal mortality in urban slums of Karachi is twice as high as in other areas; in Punjab, 90% of children under one year from families labouring in brick kilns do not receive immunisation



impoverished, marginalised group, what laws give them protection, what policies serve them or forms of discrimination impact on them. Groups, or those dominating them, were entirely focused on fixing the service delivery system, without exploring what lay beneath its failure and without any relationship to the people whose rights it was meant to fulfil. There was abrupt disconnection from the discussion of the last two days and no mention – let alone analysis – of rights, or of gender relationships as an aspect of rights. Analysis in all groups was dismissed with thin explanations such as “victims of poverty”, “economic crisis” or (the high rate of maternal mortality in a slum, for example) “gender bias”. There was no connection between these sweeping explanations and the scant service-centred assessments preceding them, which were mostly confined to counting numbers of service users rather than analysing a situation. There was no connection between, for example, “poverty” as the analysis, the elements of assessment feeding into it, or the programme emerging from it (which was typically centred on “raising awareness” of a service which did not appear to be working). Group work was not only devoid of rights, it was almost devoid of people.

All discussion of rights, all the emphasis on gender and on rights principles over the past two and a half days were therefore cast aside as groups filed back into business as usual. All groups were micro-focused. They addressed lack of vaccination of bonded labourers, for example, by analysing the opening hours of a clinic with no concern for the multitude of issues surrounding the capacity of children of bonded labourers to access it. There was no acknowledgement or analysis – whether viewed as a human rights issue or not – of the underlying status of those in situations of bondage. Exceptionally high rates of maternal mortality in a slum were thrown aside as groups – including those who work with women observing strict forms of *pardah* – prepared to raise awareness to ‘uneducated women’ of a service they were ‘failing’ to use. Typically, groups would move from analysis being “poverty” to the priority of “raising awareness”, and an activity such as “leaflets for refugees on service”. No aspect beyond the mechanics of the service itself was analysed, challenged, or broken down. The focus was on details such as timelines, devoid of any reference to rights principles or to a core dynamic between those holding rights and those

carrying corresponding obligations (or, as with women in *pardah*, those requiring services and those who hold the power to permit women to leave the house).

All groups were therefore caught up in superficial number-centred exercises – was it the 60% of the 55% or the 100%? – without pausing to examine the people, institutions or relationships involved. To the extent that children and women were mentioned, they were peripheral, featuring as users of services and targets of leaflets. The substance of rights had entirely evaporated, as had the logic of the programming cycle and how each step related to the one preceding and following it (how analysis is grounded in assessment, for example, and leads to an objective). The output was particularly stunning because all participants had some relationship with UNICEF and were engaged in some way in programming for children and women. Many were from Provincial social welfare or women's development departments working explicitly on rights, from planning departments, and from Government institutions responsible for training. Others were from major national NGOs working directly at community and national advocacy levels on women's or children's rights.

From the point of view of the training team, both group work and group dynamics were hurtling towards disaster, together with any hope of producing a group of RBA trainers and working with the approach in Pakistan. Groups were asked to look at the material, remember the discussions of the previous days, to think about human rights, about gender, about linkages, accountability, non-discrimination, participation and the best interests of the child. Interventions were met by the *buray sahibs* with hostility and by others with blank expressions or helpless silence. Later, young women (Aysha and Shaheen) from NGOs described how they had pleaded with their group to analyse the situation of the people involved, as the training team had urged them to do. Their 'general' (Omar) dismissed them and the training team as "trying to derail us", and ordered the group to carry on in the same track as before.

Groups were called back into plenary and into a confrontation which stretched a lifeless four-hour group-work session into more than 12 hours of frustration, anger and struggle,

into what one participant (Pervaiz) called “the six-month day”. Randomly seizing the group work on women’s health, participants were asked what was rights-based about it: where were the principles, where was accountability, who had rights, who had responsibilities, what were the issues underlying the situation? Some hit back with anger, blamed the exercise and accused UNICEF of being rigid and unclear. They were asked to think about group dynamics, and about the group work instructions, about not reproducing an ordinary project but reflecting rights principles and gender issues, and being people-centred, in everything they were doing. The mood surrounding the confrontation was chilling. As one participant (Rukhsana) later said, “It wasn’t anger we were feeling, it was way beyond that”. As in many occasions to follow, those leading the challenge against the dominant mode of working (and those who were dominant within it) were female; they were flying in the face of the hierarchy and – as it was described in a later training – “talking down to” those surprised individuals who considered themselves to be at its top. By breaking through the politeness, institutional roles began to be cast aside and individuals (as ‘whole people’ ascribing to values and political views, as well as representatives of organisations) began to emerge out of the divisions simmering underneath. The confrontation broke down assumptions individuals were holding about one another based on who or what each one was alleged to represent – ‘the West’, America’s ‘external agenda’, the obstructive, the corrupt, the ‘high ups’ and the ‘low downs’ – and allowed the different groups involved to begin hearing one another.

After fraught discussion of group work, the session closed. Normally the training would be finished – all subsequent trainings ended on an intense, although usually positive, note – but the group had an extra day to debrief and prepare for the next phase of the ToT. Participants dispersed, had dinner in a strained atmosphere and went on an evening outing to the local town. On return they all, without exception, began to dribble back into the breakout rooms. Without any prompting, they re-grouped and picked up the exercises. This time, the energy and dynamics were very different. Groups huddled together talking and listening, or they stood arms waving, gesticulating and shouting over each other. One member of the training team explained how the scenarios could be understood as fundamental human rights issues, rooted in some situation of exclusion and

failure of obligation. The lead facilitator was surprised to hear this; she had been facilitating the exercise for a year but had never seen the cases in this way, as fundamentally linked to rights. Even amongst the training team, rights had dropped out when turned to practice. Without a critical confrontation everyone, including the training team, would have gone through a four-hour exercise so lost in the detail of programming steps – of the numbers, rules, logic, mechanics, and habit – that profoundly different assumptions and intentions would have remained masked. They might, as had been done in Market Stalls, deliver relatively impressive group work without exposing amongst either the training team or counterparts that they were approaching and seeing the same situation in very different ways.

As groups worked, becoming more comfortable and confident, individuals began to reflect on what had happened that afternoon. One by one, they unloaded frustration. Most who spoke up at this stage were those critical of the generals, rather than the generals themselves. Many criticised UNICEF: “We didn’t understand the connection between what was presented and the exercise – she skimmed through, it was all unrelated and seemed to be saying whatever you know, scrap it and start from scratch” (Khalid, Munir, Akhtar). UNICEF had given them too much of a blank page, participants said. Although reference material was provided, “nobody’s in the habit of reading” (Rukhsana). They criticised the flood of complicated RBA elements, the confusion between ‘needs based’ and ‘rights-based’ approaches, the programming cycle, and there being too much that was new. UNICEF was blamed for not giving clear roles for the assignment (although a chairperson and someone to report had been assigned in each group) and participants claimed that nobody knows how to work in small groups. The communication gap, many argued, was astonishing (“I thought it was just my group but then I saw it was *all* groups” – Shaheen). Many complained of the behaviour of ‘senior’ participants, of “old-style trainers who don’t want to be guided and have no idea of participatory training” (Mustafa). “It all depends on whether it’s a young tree or an old tree”, said one, Younis; “you need to trim a tree when it’s young.” One counterpart with considerable training experience (Shahid), however, blamed those who were “defensive because they’re not trainers”. He had made many critiques of earlier sessions and was, of

all the participants, considered the most 'expert' on children's rights. The group looking at registration of refugee births, on which he had a firm hold, had nonetheless jettisoned both rights and refugee children from its programme.

Ultimately, said Rukhsana, a bureaucrat with more than a decade's experience of Government planning, it was "a day lost in mutual controversies and intolerance – this is the national mood ... Pakistan has grown to be a very loud nation". Now that they understood the exercise and the scenarios it contained in different ways, individuals were also criticising themselves and their groups. They were linking the microcosm of group planning to larger experiences, particularly the role of the planners and critiques of development planning. One said that everyone had been asking why UNICEF was imposing this programming methodology. UNICEF's expectations were too high, demanding that Government understand this "inflexible programming cycle" (Ahmed). What was being criticised, others pointed out, was the requirement that planning touch the ground, and be rooted in the reality of people's lives, rather than in the internal logic of the system. The Government's planning process is, by contrast, very superficial, said Rukhsana; "it doesn't reach grassroots like this cycle but starts with implementation and ends up with planning". If someone wants a college in his village he just orders it, he does not have to assess the situation or justify the use of resources. This is "exactly what Government is afraid of", Rukhsana said: having to justify resource use, work in relatively equal teams and, above all, empower people to analyse and critique whether Government is meeting obligations.

After midnight, most counterparts were still working. The energy and participation had reversed. Many more were now talking ("if we keep silent, either we know it or we don't want to learn" – Pervaiz). The role of the generals had receded and some had simply melted away. Some participants were sitting alone in the corridor, reading the material in quiet concentration ("I'm stuck ... I want to open this" – Shaheen). In a long discussion amongst the group working on maternal mortality in a Karachi slum, a participant (Tariq) argued that women could use services in other areas. A debate broke out over whether the point was that women might be able to cope somehow – regardless of the mortality

figures indicating that they could not – or whether the point was asking first: what are the rights of these women, who is responsible for fulfilling them and what barriers stand in the way of women claiming their rights. Another participant (Zubair) spoke of the Government's failure to recognise slums, that a special Ordinance had legalised only those established before 1983. The group began to look to the slum instead of the service, to discuss the deliberate invisibility of slums as a political issue linked to the inadequacy of services and failure to recognise any relationship with or obligations to those living in them. One participant (Sharif) announced that he suddenly saw what the exercise was about: not only accepting what is there but asking why it is there, looking from the perspective of Government decision makers, and from the perspective of different actors in the community, asking not only how much and how many, but asking (the question that had been missing from every example of group work) – “but *why?*”

Many participants continued working until 3am and later that morning made presentations in a triumphant atmosphere. There were still many gaps, but all groups were using the rights principles and had made a core shift in their starting point from the internal working of the service to the people whose rights – or, at the least, needs – the service should be designed to fulfil. In the presentations and throughout the process, the fall-back programming activity was “raising awareness”. The crisis had torn through barriers into much stronger assessment and analysis, but not yet (either in the training room or for UNICEF) into a clear understanding of what RBA meant at activity level. The hesitation over what to do differently expressed a deeper challenge of moving from rights as a critique towards constructive programming, in which critical analysis was the first step. Groups, however, had begun to look into social relations and looked for relationships defined by entitlements, responsibilities and obligations. They looked for underlying barriers to rights fulfilment and particularly looked for who had decision-making power around an issue. They began to disaggregate males and females (and so demonstrated how hard it is to embed even weak gender perspectives, which count numbers of girls relative to boys).

The group working on immunisation of children in brick kilns argued that the issue was “not only about lack of resources but lack of political will”. They still concentrated on “raising awareness”, but analysed to whom an awareness campaign was communicating, not just to ‘parents’ but whether it was to a man, or to a woman with far less mobility and freedom to make decisions. They argued that they would become more participatory and inclusive, working with different groups within communities to understand what barriers they were facing rather than communicating ‘at’ them. The group working on refugee registration found that 70% of those whose births were not registered were girls and that this was therefore in part “an issue of gender discrimination – if it was only about the service it would be fifty-fifty” (Shahid). They planned to work with men – in the household, with religious leaders and tribal councils – on aspects of gender discrimination. They largely avoided examining refugee status relative to the status of other groups, but they did begin to look at the internal power dynamics amongst refugee communities. The group discussing primary education of children from religious minorities, on the other hand, had shifted from analysing the service to analysing inequality surrounding minority status. They sought out linkages, analysing how marginalisation deepens poverty, which in turn led to children being forced to labour rather than go to school. The women’s health group had transferred from a make-shift service to the “core issue of women’s empowerment” (Tariq). Participants were asked to build on the momentum which now seemed to fill the training room by carrying out the same exercise on their own area of work and be prepared to present at the next session. The training closed on an exhilarated note.

The programming cycle was almost dropped from the package as a result of the crisis. One member of the team argued that it had taken her at least a year working with the cycle to understand it and many donor staff scarcely grasped methods of analytical planning. The other perspective was that the programming cycle must be retained as it was only through embedding a rights concept in critical analysis, and related principles such as non-discrimination and accountability, that change became possible. It was argued that without the programming cycle the RBA process would become orientations without applications, training on a rights-based approach ‘to nothing’. Instead, the

training team should consider recommendations made by participants on improving the method. In the next training session a month later, optimism quickly seemed to be rewarded. Many participants made presentations on the ways in which they had re-framed their approaches to their own work. Some focused more on rights and others more on the programming cycle as a tool for analysis and planning. All demonstrated deeper analysis than in the initial group work and – compared to the earlier fixation on an isolated, mechanical service – a wide display of linkages to legal, policy, economic and political frameworks, to social and religious norms, to power relationships, and to the rights principles. Individuals had therefore moved out from the internal mechanics to critical social and institutional analysis. Rather than *ad hoc* interventions, development and abstract ideas were bedded down in counterparts' own terms, with each programming step being linked to one behind and ahead, and the role of each organisation being linked to others.

Some counterparts had the freedom to use learning from the critical episode in very tangible ways to introduce some concrete change immediately. Sharif, a participant from an NGO with a nationwide network, had persuaded his organisation to reanalyse its campaign for women's political representation. The organisation was a larger one amongst an abundance of organisations working on the issue. It had originally designed a programme defined by its internal capacity rather than the situation, framed by what it could do in isolation from the roles of other stakeholders or from what was needed by women. Sharif had worked with his colleagues to return to the foundations and redesign a more complex programme which was much more socially and culturally embedded. It was based on analysis of women's status, their capability to exercise choices, and their place in a network of social and institutional relationships. The starting premise had moved from what suited the organisation to analysing what was going on in the situation and "what are the gaps?"; it had moved to looking for alliances and partnerships to address the issues with other actors. Another participant (Ali) had redrafted a National Youth Policy ("with this knowledge I could see what I had written was rubbish").



Those with less capacity to drive change had rethought programmes on paper. One very quiet participant, Farzana, had fitted her own work for the Provincial Government women's development department into a programming cycle, which had deepened and expanded it beyond the functioning of the service into much deeper, socially embedded critical analysis. Farzana analysed legal rights for women around the core problem that 70% of women in distress or detention are not getting legal support. Of these, she assessed 60% were young (20% girls, 40% adolescents) and 40% adult women. She disaggregated the women by rural and urban background, and by class. She discussed the impact of low literacy and family-income levels, and analysed social and cultural factors. Farzana carefully analysed the impact and overlap of religious and cultural norms; she analysed aspects of Pashtun culture where – in her terms – lower status is attached to women and where *pardah* causes young girls to “become victims due to lack of mental maturity and exposure”; she analysed women's relative decision-making power according to their age and marital status. She discussed the influence of “a feudal mentality” and system on women's freedom to claim rights.

Farzana explored low awareness of legal rights and the low number of female lawyers and public prosecutors. Her analysis of discriminatory laws included personal laws, divorce, discrimination in the Citizenship Act, inheritance, Qisas and Dyat, laws relating to ‘honour killing’, and the legal vacuum around domestic violence. Policy analysis included lack of affirmative action and need for reserved seats for women judges. Farzana examined the inadequacies of legal centres, and overall low resources. She concluded that as a Government department, working in partnership with NGOs, priority areas should be: addressing social and cultural norms and hierarchies which impact on the status of women and girls; awareness of legal rights; and legal reform. The programme she designed partnered the clergy on more liberal interpretations of *pardah*, on addressing women's literacy and increasing their mobility. She designed elements of advocacy on particular aspects of legal reform, including the volatile issue of women's inheritance. Farzana planned to design training components with judges and lawyers, and with decision makers in tribal communities; her department would work with law departments of universities to create a manual and would provide services through legal

cells. Farzana had initially been dismissed by the training team as too meek to have potential as an effective trainer; disadvantages of age and gender worked against her. She had not been heard in plenary or in her group before the critical moment. Farzana was later the trainer most appreciated by participants in Punjab, and one of the most effective trainers in the process. She was able to command groups and lead them into discussions on the most sensitive issues of power, based in religion and other sources, which operate in people's lives.

### **5.3 Ways of seeing**

The crisis began as a moment of dramatic failure in which the concepts, discussions and challenges of the previous two days were unable to penetrate or transform 'business as usual'. It uncovered the gulf between contextualised but still abstract discussion on one hand, and the struggle to embed rights in practice on the other. The crisis hit the walls that define and insulate visions and practice of development. It was critical for testing and deepening the RBA content and process, particularly in clarifying the barriers that lie between words and practice, and for validating the risk of dropping polite barriers and institutional roles. For the lead facilitator, the event was one of the richest and most fruitful episodes of mutual learning in 17 years of training experience. For the RBA process, it was the foundation from which a minority of participants began to seize an agenda and make it their own. The achievement proved in turn to be the high before the next crash. If many participants were beginning to explore and apply aspects of RBA in their own ways, the remainder of the second stage of the ToT was to demonstrate how difficult it was to communicate that understanding as trainers, and how diverse understandings of RBA would signify critically different approaches to development, and to change (see Chapter 6).

Group work had demonstrated that most aspects of the sessions – introducing human rights, and on children's and women's rights – had conveyed vague ideas to participants, having some impact on how they viewed girls, boys, women or men but less as something practical for their work. There had been an effort in the training to

contextualise the main articles and thrust of the human rights instruments, discussing them as vibrantly as possible and with a practical, positive emphasis on how much has been achieved in Pakistan. The critical episode exposed, however, the extent to which, for the first two days of the training, the debate had remained on a superficial level, one of enthusiastic detachment. Skills of the training team kept discussion moving and under control, but without, apparently, participants being able to grasp a sufficiently clear philosophy against which they could react, or which could be explored in tangible ways. Beyond that, the crisis and its aftermath began to suggest that when the implications of RBA were understood (or particular readings of them, which emphasise people claiming rights, rather than only receiving them) many counterparts recoiled away.

The exercise which triggered the crisis began to demonstrate the gulf between dominant approaches to development – implied by initial group work and reflecting the patterns of the Poverty Reduction Strategy Paper (PRSP) – and a rights approach. It was asking participants to see and scrutinise development from a more disaggregated and contextualised perspective which sought out dynamics of inequality and exclusion; they were to critique aspects of the social, economic and political environment, and the formal and informal institutions contained in them, not only in terms of ‘delivery’ but of the power to make claims (CDS, 2002; Moser & Norton, 2001; UNDP, 2000). Participants were therefore expected to challenge a dominant approach to policy-making and planning, where policies are not generally expected to start from the needs, realities and priorities of groups intended to benefit from them, and which take analysis beyond technical issues to social issues (Norton, Conway & Foster, 2001; Fenster, 1999; Balchin *et al*, 1994). They were to locate policy-making and programming within a wider understanding of social and power relations (Fulcher, 1989). Participants were being asked to recognise the ways in which social norms, power dynamics, inequalities, discrimination and biases are institutionalised, adapted or transformed by interactions between ‘private’ and social processes (Kabeer, 2003; Cornwall, 2002; CDS-ERC, 2002; Goetz, 1995). They were not only to start from people’s realities rather than the functioning of the system. They were also to envisage what entitlements should be, and consequently work backwards to analyse power distribution, expose root causes behind denial of rights, and assess how to enhance capacities of those whose entitlements have

been denied (Conway *et al*, 2002). Those who were still debating after midnight began to demonstrate, as Brocklesby and Crawford (2004) argue, that RBA is in operation when programming is centred on the causes of inequality, on what obstructs particular groups from exercising rights and having active roles in decisions impacting on their lives. For Sen, the focal variable of equality ('equality of what?') should be a person's capability to achieve functionings that he or she has reason to value (or as capabilities cannot be fully compared, "elimination of unambiguous inequalities in capabilities" – Sen, 1992:7). The crisis began to indicate that, with a central focus on inequality, analytical and political aspects of a rights framework cannot be separated.

Presentations demonstrated a transformation in what some counterparts see, based in what they produced after one workshop and often working alone, which was the basis for their own individual and increasingly assertive uses of a rights framework. Individuals began to look out of the system to a broad social and institutional analysis. They began to break through a formal service- and system-centred approach to connect social, legal, policy, economic and household domains, and factors including class, age, gender, ethnicity, religion and legal and social status. Some counterparts were therefore beginning to engage in social criticism which, for Ackerly (2000), is a method of bridging the real world and the ideal world to which critics aspire. Individuals having their own vivid understanding of 'what ought to be' was therefore an essential component of them carrying out critical analysis. Social criticism involves assessing existing values, practices and norms, by analysing how – from the perspective of the less powerful – they impact on the lives of those with less power, how they are exploited by the powerful, and what new norms and practices might be created to bring about change (Ackerly, 2000). Some individuals were beginning a journey which started with seeing and cataloguing gender-based and other forms of difference and exclusion, and gradually moved – increasingly independently of UNICEF – to analysing inequalities in relations and power (Hannan, 2000:7). They were beginning to view people as 'having' rights, and individuals and institutions having corresponding responsibilities and obligations, and moving to a deeper analysis of the ability to *exercise* rights and freedoms (Sen, 1992).

The confrontation immediately illustrated a mundane dearth of management and planning skills. As in every training to follow, it indicated that there were no visible skills for, or expectations of, grounding programming in any sort of situation analysis. Addressing the void of planning and management skills had been one of the underlying motives of those designing the RBA process. The greatest opponents of the process, from its initiation to after-training interviews with counterparts, were those who had lead responsibility for planning, who wanted to keep planning as a discrete, controlled area of expertise and who were therefore opposed to it falling under a participatory agenda. Control of planning skills and tight control of creative roles, meant that counterparts, as they were declaring at the time, simply had no understanding of what analytical programme planning involved. Many had thought that they were doing the exercise well and were affronted that the training team suggested they were missing the point. Even though some members were relatively senior Government officials, they were, as they repeatedly described themselves, ‘only implementers’ who receive the policy or the instruction from above. Within the RBA process, political and historical analyses streamed through discussions of US foreign policy, failures of UN resolutions, or the corruption and weaknesses of the state, but analytical power would shut off the next moment in discussions of development programming. Emerging RBA trainers (for example, Aysha, Sharif, Rukhsana, Tariq, Khurshid) argued that lack of analytical skills (or the decision not to use them) was rooted in the rote-learning of the education system. What individuals learn, including their values, is rigidly set for them, therefore creating difficulties in adopting more active, challenging, analytical roles.

The crisis was essentially about a rights approach and rights analysis, rather than simply about ‘another’ approach or about training method. Although only practice reveals what a rights-based approach is (Crawford, 2004), it does involve participation, inclusion and obligation (DFID, 2000); this crisis was essentially about rights in that it concerned participants moving away from these principles and was resolved (in some cases) by participants subsequently returning to and using them. A much simpler methodology was later developed – a simplified version of the programming cycle based on three stages of assessment, analysis and action – but it veered into the same crisis. It crashed into the

same initial wall between discussion of ideas and discussion of practice, indicating, as the first crisis had, that the problems run deeper than method or planning skills. They lie in political, power-centred – or structural – questions of what may be challenged and by whom (see Bourdieu [1977] on habitus). The subtext, concerning strong hierarchies and control over what could be discussed, was carried through almost every example of debate and group work. Immediately in the training room, each gathering held a tense relationship – between donor, government and non-governmental participants – which simmered and periodically blew into the open. More complex hierarchies and boundaries were also brought into play (age, gender and other attributes of status, ‘West’ versus ‘non-West’, those defending tradition and those seeking change). Khurshid, Sharif, Tariq, Aysha and others, for example, described the converging in their groups of the ‘expert’ and the “very religious”. As other parts of the process would reveal, some who had been nominated as participants, and who were often key counterparts on rights programming, privately dismissed human rights as “not a Pakistani agenda”; they particularly dismissed ‘external’ versions of women’s rights (as Sharif was told fiercely in his group, for example, “What do you know of women’s rights? They are to be provided by Allah”). For some – as the crisis suggested and as will be particularly explored in Chapter 7 – there were deep misgivings about what development was trying to achieve, which was actually threatening something very personal and precious (for example, where education of girls would take the social structures).

A constant theme was the need to liberate individuals from the *buray sahibs* and ‘experts’ who, as was claimed in this and every subsequent crisis, had moved into trenchant positions from where “no-one would admit they were wrong” (Pervaiz, Shaheen, Aysha). Successful trainers (gauged by participants’ responses, discussed in the next Chapter) quickly became those who dropped the expert’s role. The unsuccessful were unable to shift from a one-way mode of ‘lecturing’ and ‘imparting knowledge’. The training team argued from the beginning that the training was not greatly concerned with the detailed content of human rights instruments. Such detail was the fuel of the ‘experts’. It fed long, factual debates – over, for example, which month Pakistan ratified the CRC – while situations of bonded labouring remained invisible. Debates on Pakistan’s report on

implementing the CRC would be lost on form – whose role was what (and all roles were Government's) – rather than content. A constant theme was therefore the breaking down of hierarchies and barriers, and activation of individual roles. As one woman (Rukhsana) argued, “this is why policies in Pakistan always collapse – Government officers don't analyse or prioritise, they just direct”. The crisis illustrated a rigid divide between two central components of policy: planning (gathering information, analysis and decision making) and implementing (Johnson & Start, 2001). The crisis began to raise a theme, which continues to roll through the following chapters, where development actors' understanding of a hierarchy, and their roles within it, shape whether they are ‘givers’ and ‘receivers’ of policy and rights, or to any extent their ‘makers’.

The crisis threw up a central tension between ‘vision’ and the mechanics and rules in which group work became lost. Underlying the tension between vision and rules was a deeper tension within individuals, some of whom – as Chapter 7 will further explore – were embodying different roles and sets of beliefs. The training team made pronouncements from the beginning about ‘internalising’ the approach, which jarred with the reality of many counterparts (like those in Sharif's group) having profound doubts about a rights agenda. It was argued that the purpose was for participants to understand the rationale and spirit underlying human rights instruments, how they might connect to values that had meaning to counterparts and how they might be applied. The intention was to get across that rights are rooted in value systems in Pakistan, that they express something that everyone can believe in, and that the breadth and depth of consensus surrounding them is very important. The underlying and far from impartial point concerned Pakistan being part of an ‘international’ or ‘universal’ (rather than an external) agenda, that a rights concept and values such as equality stream across the bounds of different cultures (and religions). This is evidently a position rather than a fact and one that lay at the heart of participants' judgements to use or reject RBA. Whether they used or rejected RBA began to connect with whether they wanted to reinforce or dismantle the boundaries surrounding them, which in turn – as was indicated by the debate in Sharif's group – began to connect to how individuals viewed themselves in a structure and how they benefited from the assertion of particular norms and relationships.

The crisis pointed to the breaching of a public and private divide which was one of the defining features of the dominant model of development. It began to open the private 'black box' of the household and assumptions about its internal distributions forming a 'single interest', and therefore not being of relevance for development analysis (Kabeer, 2003; White, 2002; Sen, 1990). It also began to breach public and private space amongst, or within, some counterparts themselves. The breach was driven by the imprecise notion of 'internalisation', by a position that what individuals believe and practice in their own lives is directly relevant to, rather than severed from, the norms and practices of their professional roles (as was expressed within UNICEF, for example, in controversies over whether it is of concern to the organisation if staff are violent to their wives). In making a linkage between private values and public practice foundational to the process, it soon became clear that the training team was taking on more than it bargained for. The relationship between private values, or political perspectives, and professional roles would be a core factor in this episode, and in every aspect of the process: the groups still debating after midnight were discussing essentially political questions about, for example, what resources and treatment are women entitled to in both public and private spaces and relationships, and where does the state play an enabling or undermining role (for example, in refusing to recognise a slum, or people within it as citizens entitled to claim certain services)? The crisis began to move the focus from the sphere of observable action to much more complex and fundamental areas of what individuals see and believe, to the values, norms and rules shaping their actions and interactions.

The episode indicated an absence of analysis and questioning that, at the first level, linked to individuals' difficulty in seeing their own roles in an active sense. It linked to how they saw themselves, as located in particular hierarchies receiving the ideas and instructions of others, which began to indicate understandings of an underlying social structure. The crisis also formed a link with how development professionals saw (or did not see) the 'targets' of development. A core shift for those still debating after midnight was in beginning to move their sights from users of services to people embedded in formal and informal networks of power, obstructed or enabled in their relations with



other individuals, with groups and institutions (see also Brocklesby & Crawford, 2004). Those still debating after midnight were therefore beginning to see themselves and the subjects of development as actors and agents. They were increasingly consciously questioning and challenging – and feeling entitled to challenge – sources of power, including those immediately present in the training venue. As Kabeer (2002) argues, lack of agency is reinforced by denial of recognition, and dominant groups need make little effort to sustain hierarchical relationships where their domination goes unquestioned. For subordinate groups, unless their action is strategic:

... the silence here reflects the absence of questions. The stirrings of a willingness to contest their devalued status on the part of subordinate groups marks the beginnings of the journey from subject to citizen. – Kabeer, 2002:21

Increasingly in mainstream development, there are references to ‘grassroots pressure’, meaning active and organised groups pushing for fulfilment of development goals and for accountability (Kabeer, 2003). The crisis pointed to some of the challenges facing ‘grassroots pressure’, including individuals’ understanding of their own agency, an entitlement to challenge, and an alternative perspective from which to challenge. As Sen (1990) argues, and as was inferred in the group dynamics around the crisis, an actual agency role is often undermined by conventional roles and perceptions which, in the case of gender, “often act as barriers to seeking a more equitable deal, and sometimes militate even against recognising the spectacular lack of equity in the ruling arrangements” (Sen, 1990:148-9; see also Jeffery, 1979:43 on “ideological subordination”). ‘Objective interests’, Sen argues, exist even without corresponding self-perception: “the ill-fare associated with morbidity or under-nourishment has an immediacy that does not await the person’s inclination or willingness to answer detailed questions regarding his or her welfare” (Sen, 1990:126). It is therefore necessary to go beyond “primitive” feelings, which are possibly governed by “unquestioning acceptance of certain traditional priorities”, because “social change and politicisation may well take precisely the form of making people face those evaluative questions” (Sen, 1990:127 – although, as in understandings of rights, Sen does not deny a tension between externally ascribed interests and people’s agency and autonomy).

Ultimately, the crisis began to clarify that there was something intuitive, political and moral which the training team was unable to communicate by rational, objective argument in sessions and which could not be captured in 'the package'. Groups lurched towards the overwhelmingly mechanical and so were severed from the norms and values which litter discussions and with which RBA concepts were trying to connect. The training team dreaded a new generation of trainers creating confusion and outrage in the name of rights, but the episode suggested a more elemental problem: despite the meticulous preparation that had gone into the training, it had failed to persuade participants even to engage with sensitive issues and values in any practical sense. A crisis was required, in this and every training following, to jerk people out of a superficial 'orientation' mode and to analyse critically and apply ideas to reality. Individuals' attitudes to change, whether they wanted to preserve something or transform it, were therefore fundamental in the differing responses to the episode and a new approach in general.

The critical episode was on the surface about participants simply not doing what they had been asked to do in an exercise. It suggested, as the internal training in UNICEF had, that development actors' reactions to a new approach may be influenced by safeguarding their professional position. What it also indicated, and what seemed to lie beneath the intense emotions it stimulated, was that reactions to RBA are based on deeply subjective, value-based, political positions. The crisis demonstrated that each example of practice is based in a theory and a discourse informing our ideas of how something works and what goals we want to achieve (Fulcher, 1989). By initially failing to even see social reality, and by some people then exposing it to much deeper scrutiny as others fell silent, the episode began to expose what the different underlying conservative or reformist positions were, and what it was that different categories wanted to change, preserve and achieve. Each critical episode began to indicate how counterparts view a structure of relations, how they view authority, and their place in relation to both. Some of those involved in the process began, through the crisis, to look profoundly differently at a static present – at 'what is' – from a transformed understanding of 'what ought to be'. A different

understanding of ‘what ought to be’ therefore challenged not only what we do or how we do it, but what we *see*:

As members of society, most of us see only what we expect to see, and what we expect to see is what we are conditioned to see when we have learned the definitions and classifications of our culture. – V. Turner, 1967:95

The core message in the crisis was to look at what exists in reality and also to look beyond it at what ‘should’ exist, and to analyse the reasons and relationships running through the gap. It indicated that, while individuals view each other and situations through mutually agreed categories (J. Turner, 1988:151), there are whole categories of people which are not even *seen*. At the very least, the episode raised for all participants some questions that had not been asked before. Opening up these questions required something that could not be set down in ‘the package’ but which required individuals being able to dialogue, clash and bring the issues to life. What the training team scarcely understood until this point – and what the episode began to reveal – was the breadth and depth of the issues being challenged and how far the process was from being a neutral, technical one.

## **5.4 Conclusion**

The confrontation, firstly, demonstrated that a crisis could be positive. It was the unconventional, accidental tool through which institutional roles and barriers were dropped and change became possible. Change was possible at least partly because of engaging with more than individuals’ technical selves; because it was direct, confrontational and critical, the crisis also created an overt connection with aspects normally locked away (or at least disconnected from development), with emotion, values and political belief. As became clear in the unfolding process, these aspects would be at least as significant as technical perspectives in shaping how individuals view and respond to social and political change. The crisis, secondly, pointed to a rights framework clashing with a dominant development mode which declines to acknowledge, challenge or be part of social and political relationships. Unsurprisingly, there was no sense carried

through interactions in the training of accountability for rights (or 'needs'). Individuals depicted themselves as followers of instructions, who were detached from, and not responsible for, decisions they had not made. Counterparts repeatedly described themselves as 'only implementers', trapped in structural hierarchies and firmly separated from the policy makers whose creations they are revealed to them. The crisis in each training venue therefore blew out of the constraining relationships amongst the different categories of development professionals involved (including donors), and how they viewed development and their roles within it.

The crisis therefore, thirdly, signalled a profound (but, at that stage, unrecognised) handing over of power. From the moment of the first confrontation, with and amongst trainers, those few who chose to pick up and use their own versions of a rights agenda began to break out of hierarchies. They began to see themselves more clearly and strongly in a creative role, less recipients of others' ideas than innovators of their own. For some, it began to transform not only what they see but their entitlement to think and act differently. It began to shift the emphasis from activity lists, importing models and outputs of the structure towards transformations in, and amongst, development actors. Towards the end of the mid-level RBA process, there was a rush of Government and donor-supported training to address the gap in programming skills for Devolution, which demonstrated that more active, creative roles were lacking, and were needed for a system which would no longer be so highly centralised. What became particularly significant in the RBA process were the ways in which individuals used a rights framework for critical analysis and to strengthen their entitlement – which all aspects of the process, and the rush of wider training, indicated was lacking – to interpret, critique and challenge ideas, rather than simply to implement the instruction.

Some individuals began to function from the position of social critics, rather than service technicians. They began to treat criticism as a social rather than an exclusively expert (planners') project (Ackerly, 2000:199). Reconnecting with values therefore triggered critical social analysis which, for some of those involved, brought walls crashing down around what they were entitled to see, question and act upon. The purpose individuals

were looking to began to move to social change; it began to move away from narrow attitude or behaviour change, or improvements in individual capacities which will have only weak impacts on the causes of discrimination (Tilly, 1998) and leave “hierarchical relationships of command” unchallenged (Goetz & Gaventa, 2001). Some of those involved were therefore moving to the individual as the unit of development, but away from individualistic, towards more structural, analyses and approaches. They were analysing relationships and distribution of power determining who is entitled to what, and who is excluded in the process. The crisis began to signal a shift from the donor or policy-maker handing out development plans in tightly controlled categories and programmes, to counterparts turning a more critical gaze on the structure and the plan-makers. It was lifting rights out of a contained area of ‘culture’ or service provision, and bringing rights into the political, power-centred sphere of planning, challenging how planning is approached by the service provider.

## Chapter 6: Rules versus interpretive approaches

### 6.1 Introduction

The crisis described in Chapter 5 suggested that the usual mode of human rights training in Pakistan, through orientations and abstract rights and standards, is ineffectual. It allows ‘external agendas’ to be kept at bay, and social (and particularly ‘private’) space to remain insulated and protected from scrutiny. Like the ‘enabling environment’ discussed in Chapter 4, it fails to engage with norms, values and power relations that act as constraining or enabling forces in social relations and in the freedoms people are able to exercise (Sen, 1992). This chapter will explore the aftermath of the crisis in Chapter 5 and the different impacts on those who allowed some insulated space to be penetrated, and those who did not. It examines the role of trainers in a Rights-Based Approach (RBA) as creative actors, mediators of ideas and, in some cases, drivers of change<sup>24</sup>. A ‘Drivers of Change approach’ (DFID, 2003) links to the literature discussed in Chapter 1. It starts in the local context rather than (for example) with particular models and formulae, engaging with the underlying and long-term factors, and immediate incentives, governing the enabling environment for reform. Drivers of (pro-poor) change are structural features, and formal and informal institutions, as well as individual agents (DFID, 2003).

The RBA training, meanwhile, was starting in a different, more controlled place. UNICEF’s motivation in building a team of RBA trainers was largely an instrumental one, to create vessels into which ideas could be poured as a means of training counterparts within the confines of the Country Programme. The RBA training was framed by structured vertical relationships outwards between UNICEF and counterparts – with trainers as the link to those counterparts – rather than a looser, more dynamic, set of horizontal relationships, of open-ended processes and dynamic, reciprocal partnerships.

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<sup>24</sup> “... a wide range of governments have shown remarkable resilience in making cosmetic changes in response to international pressure ... So understanding the internal drivers for change remains of critical importance.” Sue Unsworth, ‘Understanding pro-poor change: A discussion paper’ for DFID, September 2001:10

Trainers increasingly spoke of feeling constrained within the confines of these vertical relationships and began to break into independent processes. They were operating in an environment of rapid institutional change, in which the role of ‘planner’ was moving, with the Devolution process, away from exclusive Federal and Provincial control, and into potentially enlivened district structures. Planning functions were therefore moving lower and lower down the structure. Rigid divisions between ‘planners’ or ‘policy makers’ and ‘implementers’ (those who ‘receive’ the policy) were increasingly blurring, and controlling structures were less obstructing the view of the ground.

The chapter explores a core divide between trainers in their interpretations of RBA. A few of the people involved in the RBA process in Pakistan used the approach to unleash, more engaged, active, critical roles in development. Most understood it more formally, statically and mechanically, as implementing Conventions. The divide is illustrated in two contrasting sessions which occurred in the first interaction between trainers and counterparts. Contrasts between the two sessions raised issues about control, power, relationships, and political engagement and belief. Following the sessions, some trainers began to unravel their own distinctive voices and interpretations of a rights approach, and to drive – rather than to tinker with – change. The few trainers who seized the RBA agenda described active processes of ‘internalisation’, of moving through boundaries dividing ‘external’ ideas from ‘internal’ values and beliefs. Trainers’ different interpretations personified the tensions playing out at all levels of the development context, between different approaches to development, and underlying, clashing perspectives on social and political change.

## **6.2 Enforcing rules versus social change**

Two opposing approaches were taken the first time RBA trainers were thrust onto the floor to face development counterparts. They exposed a gulf between different visions of RBA and deeper visions of development, social relations, authority and change. They also indicated different understandings of power, as ‘hierarchical’ (the capacity to exercise will over others); or as ‘generative’ (the means to ‘self-actualisation’) (Giddens,

1991:211-214). A ‘rules’ approach centred on detached instruction in abstract, external ideas, flowing through, rather than challenging, the existing structure of social and institutional relations. An ‘interpretive’ approach centred on contextualising ideas and an engaged and engaging participatory drive for change. The encounter took place in the third stage of the Training of Trainers (ToT). It was hosted in a less expensive hotel than earlier parts of the ToT, in the Islamabad branch of the “world’s biggest hotel chain” which was a strangely apt setting in which to struggle to contextualise ‘international’ (or ‘Western’) ideas. It was an anonymous, decontextualised venue with little atmosphere, a suspended, liminal space which was ‘betwixt and between’ one place and another (V. Turner, 1967). It was, like the bureaucrats’ city of Islamabad itself, ‘not quite Pakistan’.

The trainers knew that morning that they were being tested and faced harsh scrutiny from the training team, from other trainers, and from participants who considered themselves senior and expert development professionals<sup>25</sup>. Trainers knew they were novices and understood from experiences in the ToT how ruthless and unsupportive an audience and its criticism could be. Earlier parts of the ToT stretched back two months but the time spent learning so far had only been 12 days. On the first day, trainers had known nothing about RBA and few had had any participatory training skills; on this day they were to facilitate four sessions unassisted and face critical group feedback afterwards. In intervening parts of the ToT, they had faced unusually high expectations and direct criticism. There had been dramatic experiences of failure and progress, like the one discussed in Chapter 5, and trainers were aware that they had not yet demonstrated enough competence for the donor to risk releasing them, unsupported, to train counterparts. The training team remained doubtful that the project had worked and could not take risks with training in such a core, complex and sensitive subject. If trainers did not perform, they therefore knew that they would be dropped from the team. Participants were aware that trainers were beginners in the subject; some participants announced at the beginning that they hoped the sessions would not be a waste of their valuable time.

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<sup>25</sup> ‘Trainers’, in this chapter, are those who were going through the Training of Trainers (ToT) and whose skills were being assessed by the training team and their peer group. ‘Participants’ were, as always, direct counterparts – partners in UNICEF’s Country Programme – or other Government, non-Governmental or civil society professionals engaged in development.



The introductory session set an energetic, enthusiastic mood. It was followed by the first substantive session, an introduction to human rights. The session was to be led by someone, Shahid, who came to the ToT with the prestige of being a ‘master trainer’ and holding an overseas Masters degree in human rights. He had acted as *de facto* leader of the trainers, the individual in whom the training team had greatest confidence, assumed by all to have the most training experience, the strongest subject knowledge and the most ready articulacy. He represented the practiced and recognised way of doing things, and later demonstrated himself exceptionally ready to question that mastery. He strode onto the floor and faced the horse-shoe shaped arrangement of tables.

Shahid was to lead a session which was designed to provoke open-ended debate, in which trainers were warned by the training team to expect that “everything is dumped in this session, from hatred of the US to support for the Taliban”. Trainers had been working with a manual containing detailed session notes, including questions to trigger debate on every issue, and information and methods to handle what would ensue. From that basis, they were expected to create an individual session flow, following arguments that made sense to them. The trainer was expected to facilitate discussion on rights, obligations and universality. By asking questions – where do rights come from, are humans equal, is there a right to an adequate standard of living in Pakistan? – trainers would walk into debates on social and religious norms and values, on the state and governance, and on ‘Western’ agendas. They would discuss equality and other concepts contained in the Universal Declaration of Human Rights (UDHR) and in religion. They would introduce the difference between moral and legal force, the Bill of Rights, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which would be discussed in detail in following sessions. The session was slanted towards a formal, international human rights framework but was meant to begin exploring standards in context, and directly referred to live political, social, cultural and religious debates in Pakistan. The session therefore

sailed close to many core controversies. It waded into definitions of rights<sup>26</sup>, human rights and Islam, the universality of rights, children's rights and gender equality, respect for rights in Pakistan, and images of the UN and the West. With an engaged group, controversies could barely be contained. Trainers were cautioned that they were not expected – and absolutely should not try – to resolve all debates themselves. They should bring opinions, reservations and rejections into the open, and encourage as much participation as possible.

On the morning of the first encounter with counterparts, scarcely any controversies were touched. The trainer started with an air of confidence and authority, and proceeded to march through the session, informing counterparts about human rights. As groups had done in the crisis discussed in Chapter 5, he departed from all the participatory, inclusive ideas that had defined the ToT. When questions were asked, he responded sharply or batted them into the 'garage'<sup>27</sup>, after which no more were raised. Participants sat in silence as the trainer explained to his audience what rights are, where they come from, how the documents were drafted and what they contain. He stressed legal aspects – the authority of international and national institutions and rules – disconnected from the social and development context in Pakistan. The trainer spoke in English, briefly switched to Urdu when slipped a note prompting him to do so, and quickly fell back into English. As often happens, a power cut shut down the overhead projector. Rather than seizing an opportunity to deal with issues in the garage, the trainer suspended the session. With the return of power, the lecture resumed. The trainer finished his session twenty minutes early and strode off the floor, leaving participants in silence and all the energy built up with the introductions evaporated.

If this was the most knowledgeable and experienced trainer, there was great anxiety at what was to follow. The next session on children's rights generated a different atmosphere. It was full of debate and barely under the control of the trainer, Sharif, who

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<sup>26</sup> The RBA manual defined human rights in a formal-contextualised fudge, as referring to "those rights that: are rooted in our moral frameworks; have been recognised by the global community; and have been protected by international legal instruments"

especially upset Government participants by knowing nothing of measures taken to implement the CRC. One participant referred to a law in the UK to illustrate problems with children's rights in the West; the first trainer, Shahid, leapt up from the side, and rebuked him, announcing "if you're quoting documents, please make sure you understand the concepts!", and sat down to a stunned silence.

Next was the most intense, long and difficult session, which trainers most dreaded being allocated, on women's rights and gender equality. The session was led by an NGO activist, Khurshid, a field worker who carried less status than many other trainers and who was uncomfortable speaking in English. He began the session so quietly that participants barely noticed. Slowly, they were drawn into what became an electrified debate on how they would define development. Khurshid discussed with participants the difference between development and sustainable development. He discussed economic dimensions, social change, discrimination and human dignity. He drew out opposition to 'the outside' ("sustainable development", said one participant "means if we can survive without the foreign element"). Participants argued about the concept of equality, how it is treated in Islam and the central idea in Islam that everyone is equal. They discussed social inequalities in Pakistan, how participants would envisage positive change, and how they would define and address discrimination and exclusion. Khurshid argued that "our religion is Islam but rights are in all religions ... rights are universal therefore obligations are also universal".

The group became hushed as the trainer led them into exploring social relations, equality and authority within his community, the 'conservative' Pashtun in North West Frontier Province (NWFP). Unlike the distant, impersonal, abstract, foreign language approach of the first trainer, Khurshid personalised the session. He unravelled his own 'proud' society and encouraged participants to do the same. He led participants into discussing whether they wanted more equitable, sustainable development and asked who could make it happen, who are the change agents: "We are!" To be effective social change agents,

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<sup>27</sup> A chart on the wall on which trainers and participants could agree to leave issues that had been discussed for too long and needed to be picked up again at a later stage

Khurshid argued, we need to understand how society is organised. Using colourful visuals, he divided society into four domains (reproductive, productive, community managing and community political). He asked participants about gender roles and about visibility of males and females in each. Participants discussed how gender roles become gender issues and discrimination. They discussed the low status of women and girls, but also the immense pressures carried by men and boys, how men lose out on the emotional side of life and on relationships with children, how they have to provide for large families, to defend honour and to suppress all emotions other than anger. They discussed how both males and females are imprisoned in roles that have been set for them. Rather than defending their society against an outside attack, men nodded and jostled to contribute. One counterpart (Tahira), who had been working on women's rights issues for many years, later said she had learnt so much by being there "because I never knew before what was out there, out there in those men's opinions ..."

From gender and social change in NWFP, Khurshid moved to gender discrimination in South Asia, and why the continent might have many of the worst indicators globally on the situation of women and girls. He led participants back to statistics on discrimination against females in Pakistan, a discussion of what might underlie these and how they might be changed. He concluded by asking participants if they believed that it is in the interests of both women and men to work together to change society and end gender discrimination. Khurshid's part of the session closed with participants, both men and women, speaking all at once about equality, gender equality and social change.

The following section of the session was led by another trainer (Farzana) who moved on to role plays, discussion of equal opportunities and access, and an introduction to CEDAW and Pakistan's National Plan of Action for Women. By the end of the session, participants were energetic, focused and engaged, and the first day of the training ended. The following morning, a man and a woman, who had been asked to give detailed feedback, presented participants' views. What they said was reinforced by individual participants' evaluations. They criticised Shahid, the first trainer, for being "threatening" and avoiding questions; the session had ended early, wasting all the time that remained

yet leaving everyone confused and needing more discussion. Khurshid's session on the other hand (one which often drew angry feedback) was strongly praised and the trainer described as "impressive in every way".

The previous evening, immediately following the sessions, the training team and trainers had themselves held a detailed feedback discussion. Trainers had streams of comments on the two sessions, which seemed to have unlocked many of the dilemmas they had been struggling to articulate. Feedback on the first trainer and his 'rules' session centred on connecting and relating; the comments triggered in him, he later said, "the biggest attack of self-questioning I've ever had". Fellow trainers observed that he had been detached, authoritarian and dictating. He gave an impression of feeling superior; he had lectured and failed to come out of an instructor mode into the role of facilitator. He had "talked to himself" or talked to the participants but without "reaching out to them". His body language expressed disconnection, "being there, but not really there". Shahid had "thrown out knowledge", other trainers said, unconcerned by whether it was caught, or by whom. He made no effort to ensure that anyone – let alone everyone – was following him. What was essentially missing lay beyond training skills in "an ability to 'connect'"; instead of making participants feel that he really wanted them to understand (and echoing a dominant approach to development), he simply "delivered". Khurshid, the second trainer leading the session on gender equality, had physically expressed energy and a positive, embracing attitude in his voice, his lit-up eyes and inviting – rather than targeting – hands. Unlike Shahid, he had conveyed conviction, something which the training team described as essential: "You can't lie about that – it's the first thing that comes across, you have to strive for that".

Shahid himself felt he had fallen apart due to lack of control. It was precisely dependence on control rather than dialogue, the training team argued, that had broken the session's impact. His silence when the overhead projector failed betrayed his dependence on throwing out facts. He had no arguments, questions or examples; he expected nothing from participants. They were given instruction in a foreign language and, as they all expressed in evaluations and feedback, were left feeling alienated and

sullen. Shahid treated concepts as if their authority and meaning were self-evident, other trainers suggested, without trying to bring them alive through translation and debate in Urdu; information on transparencies was only the bare, minimal trigger of discussion, not its substitute. Shahid treated rights and RBA as he was used to treating orientations on the CRC, as a set of facts to be learnt and rules to be accepted. He had shown evidence of being bated by trying to kill questions immediately, an attitude linked, said one of the training team, to “being, or feeling yourself to be, an expert”. Human rights as a Western concept had come up at the beginning of Shahid’s session but he had thrown the debate aside. Instead, he had delivered a lecture on the internals of the UDHR, rather than its relevance in a particular development context. A basic problem for Shahid, said one member of the training team, had been over-confidence which he had acknowledged himself and described evaporating while he was on the floor, aware that his lecture was not penetrating. Khurshid had “asked and asked” for clarifications beforehand and was “beautifully prepared”. Of 19 trainers, he was one of only two who had come to the organisers for help. Shahid later said that he had felt unable to ask for support because – rather like the men described in Khurshid’s village – he carried such a weight of expectation from his group to perform as an autonomous, authoritative expert.

Shahid’s session rained down facts, rules, distant authority and objective legal standards, which might as well “codify sheer nonsense” (Douglas, 1966:47), rather than contextualising and exploring how, and by whom, standards are interpreted and used. He emphasised obedience and acceptance, enforceability, justiciability and alienating expertise, treating his ‘audience’ as vessels rather than people with opinions and experience. He stressed instrument rather than spirit, injunction rather than vision, and conveyed authoritative detachment. Khurshid brought ideas to life around themes of change and agency. He took a sympathetic, grounded, unthreatening and often humorous approach. His flow notes were based on concepts rather than facts or articles (development, sustainability, gender relations, social change, equality) and living, recognisable examples (Pashtun society, access to education, men’s social roles, the cost of ‘honour’). The first session typified a learning method of ‘filling a glass’ (‘imparting’ more facts to participants already bursting with knowledge, attitudes and experiences)

and the second of 'lighting a fire' (connecting with that knowledge, attitude and experience to spark some change).

The contrasting sessions illustrated a deeper rift in the ways in which RBA was being understood. They personified the difference between a formal, centralist, authoritative approach, and a grounded one which looks to the actor and to more pluralist perspectives. The former aligned with a neutral, relatively simple, mechanical process of supporting the implementation of legal obligations, of enforcing rules and standards from the 'outside'. The rules approach of the first trainer carried assumptions about authority. It gazed downwards from the perspective of decision makers and implied a delivering-receiving mentality under the control of laws, institutions and experts; it assumed an operating international framework in which normative and political dimensions have been negotiated and dealt with. The approach implied that acceptance of the idea of rights, or its non-acceptance by many, was of little consequence. On the other side were differing visions of more profound social and political change, of using the ideas contained in RBA as a basis for debate and negotiation. The trainer's central concern was whether participants themselves accepted the idea of rights, and its implications for social and political change, or whether they rejected it. With a rules approach, the outcome – which is largely pre-determined – dominates; with an interpretive approach, outcomes are not known and there is an implicit passing over of control. Khurshid was creating space for dialogue with participants to explore the meaning and impact of rights principles, social norms and values on people's lives, particularly on issues he knew they would resist opening up. The contrast between the two sessions – rather than one or the other standing alone – represented a crash of expertise, a critical moment which began to shake up assumptions about the ways in which a rights framework can be used to create momentum and value, from expert, authoritative enforcing of outside rules to less controlled, less centralised, more disordering change.

### 6.3 From 'eating the food of America' to internal drivers for change

The contrasting sessions led by Shahid and Khurshid represented a difference between external and internal power. The two trainers presented issues about control, and understandings and uses of power, which personified differences between formal and process approaches, and began to clarify what distinguished rules trainers from 'drivers of change'. Khurshid was evidently effective in stimulating controversy, debate, thinking and potential for change amongst others, while Shahid was not. Firstly, effective trainers were already (or became) open to ideas which implied personal, social and institutional change. They demonstrated personal and political engagement. The ways in which they invoked ideas around rights did not rely upon authority – as Shahid's approach sought to do – but on convincing (and conviction). Throughout the process, most trainers were unable or unwilling to move beyond versions of Shahid's mode, competent in following the steps of the manual and 'imparting' information on transparencies. They did not, as Khurshid had done, personalise the issues and unravel and critique their society. Those who did, described along with Khurshid, a process of 'internalisation', of revelation – as was implied in Chapter 5's crisis – and conversion, where they struggled with ideas about equality, power, 'empowerment', responsibility and obligation. They took the ideas 'in' and explored what they meant for themselves personally, and for social and political change. Khurshid, for example, described how he had gone home and looked in a different way at his wife, whose daily decisions – even her movements – were filtered through him. He had begun to value her differently and to give her more power in her own decisions. He described how the change made him feel uneasy. Trainers who did not describe such processes indicated, as Shahid did, that ideas were impersonal, aloof and detached (as in UNICEF's debates about RBA, relevant for programming 'out there', but not 'in here'); they did not demonstrate the will to explore with participants what social change and realignments in power relationships might mean. Khurshid lowered barriers against giving and receiving 'inside' criticism, of connecting with the personal and private on whatever scale, and bringing it out into public scrutiny.



The most obvious indicator of internalisation throughout the process was conviction on gender equality, or other transformations in power relations. Effective trainers were therefore, secondly, explicitly comfortable with the idea of empowerment in a literal, directly political sense of “visibly making more powerful” (Moore, 2001:324). The majority of trainers indicated (as counterparts would later do more explicitly) that they had misgivings about empowering and politicising the base of the social pyramid. Misgivings were particularly expressed in the absence of a concept of claiming rights, as opposed to receiving them, or any reciprocal relationship between people and forms of authority. An over-emphasis on the formal and factual, one of the training team argued, covered up a basic conceptual and political problem for many with the difference between desires, needs and rights, between charity and empowering people to assert claims. Factual trainers conveyed authority and expertise; they did not convey conviction and did not engage participants in discussing changes in power relationships of which they themselves were unconvinced. The same member of the training team drew on her personal experience of working on gender equality and rights, and warned trainers at the outset: “In this line of work it’s vitally important not only what you say, but that you *believe* what you say”. Some trainers struggled with reservations (for example, arranging special evening debates on religion and rights) but for most, the same member of the training team declared during the ToT, “internalisation has not happened”. An idea of rights – and related ideas of the sanctity of the individual, of equality, of responsibility and of ‘visibly making more powerful’ – remained, as Shahid’s session suggested, at arms length.

Whether internalisation did or did not happen was therefore inter-related with how trainers viewed development: as change which transforms social relations, including (as it did for Khurshid) personal relations; or, as more controlled ‘improvement’ which preserves the existing structure of power relations, and implicitly reinforces the expertise and authority of those in beneficial positions within it. As the two session approaches indicated, trainers were divided between those who were primarily enforcers, (service) deliverers and ‘givers’ of rights and those who were facilitators and activists, motivated towards structural change. Some trainers were especially motivated to address

discrimination and exclusion but with a charitable approach which did not challenge relationships, in which a greater quantity of rights are delivered and received. Others used RBA as a new agenda which challenged them to think and act in profoundly different ways, or they found in it a coherent approach which articulated their activism and politics.

Thirdly, effective trainers – those who, like Khurshid, demonstrated that they engaged counterparts in thinking about RBA – were interpreting ideas rather than transmitting rules. They took the ideas ‘in’, struggled with their meaning and expressed them in their own voice and through their own experiences. They struggled with the logic of RBA, prepared relevant examples, and anticipated questions and challenges. They had to win counterparts’ respect (which, as the sessions indicated, was a major hurdle for each trainer, and was particularly difficult with a participatory, connecting approach where respect and authority are largely created by distance). Trainers had to engage participants in exploring complex and sensitive issues which challenged traditions and power relations in which participants had a stake. They stood exposed to powerful reactions which had to be dealt with or deflected. Effective trainers worked with an understanding that they did not have a piece of knowledge to be received. They sought to arrive at a dynamic, exploratory space – which may mean conflict rather than consensus – by participants filtering ideas through their own beliefs and experiences. Training skills and content (participation, non-discrimination, respect, dynamic change) were therefore overlapping. A positive attitude towards change and an eagerness to explore issues drove the growth of participatory training skills, or their absence inhibited those skills. These trainers were prepared for debate. Many were unprepared or, as in the rules session, overly confident in their ‘expert’ status. Shahid was certainly knowledgeable but his knowledge was of an authoritative – even authoritarian – and static kind which lost vision in a mass of detail and which fellow trainers witnessed falling by the wayside in the training room.

Many of the trainers claimed, or aspired to, the undynamic status of expert, which was another indicator of attachment to stasis rather than change. They would turn away, for

example, from debating failure of obligation in a Karachi slum to debate dates of ratification and numbers of articles in the CRC. Knowledge and expertise are highly prized in the development environment in Pakistan, where counterparts sometimes made claims such as “I know each and *every* thing!” In the ‘rules’ session and every stage of the process, assumptions of ‘expertise’ proved to be liabilities rather than assets. The CRC and CEDAW are common currency in development circles in Pakistan, but occasionally even very senior participants admitted to never having read the Conventions, stunning those who had looked up to them as ‘experts’. Participants were required through the training to study the documents which had been otherwise, like the idea of rights, more or less familiar sets of rules and standards with little relevance to development practice. Participants who had been working on children’s rights or who were trainers had the greatest difficulty going outwards into dialogue rather than retreating backwards into instruction. A fixation on amassing facts and expertise undermined the ability to ‘unlearn’ and allow interaction, movement and change. Where trainers did try to rely on facts, participants would inevitably trip them up, even in the most neutral areas (for example, outlining the steps of a programming cycle: “But what’s the difference between goal, objective, aims ...?”). Those with ready-made ‘expertise’ and social or professional standing had, as the ‘rules’ session demonstrated, great difficulty in tolerating being questioned or in accepting that they did not have to (and were unable to) answer all questions themselves. Most had proven unable to re-programme, to shift from lecturing to facilitating debate by drawing contributions not only from the ‘experts’ but from those of lower status in the group. Trainers who concentrated on stimulating, asking and debating could not so easily be trapped in definitions. Some effective trainers could have described themselves as experts at the beginning of the ToT, but they did not. Like Khurshid asking for help, they tended to stress learning and change rather than what they already possessed. They treated answers as lying amongst participants, unlike the rules trainers who ascribed answers to themselves, which was a weight they could not (and participants would not allow them to) carry. Effective trainers challenged rather than assumed expertise. They were the first to shift the debate from articles, ratification, enforcement, sources of rights, authority and rules, to reflective, interactive, grounded critical analysis, perhaps reflecting the

earlier shifting of the debate within themselves. Equality, responsibility, inherent human value and ‘visibly making more powerful’ are not factual themes. Trainers had to be able to plant these themes in participants’ minds and facilitate the unpredictable, non-linear processes that followed.

As the crisis in Chapter 5 demonstrated, opinions, reactions and emotions were not far from the surface amongst participants. Trainers who could not or would not risk freeing that energy and chaos took refuge in facts. They were criticised by participants for “narration” (for example, Noureen, Anjum). In both approach and message, by contrast, Khurshid and effective trainers following him were consciously trying to unleash energy. They were challenging the status quo and trying to activate the individuals confined within it (“who are the change agents?”). Effective trainers were politically prepared to confront hierarchies, and were sometimes badly bruised along the way. In the training room, as in development practice, an expert, lecturing approach assumed a hierarchal relationship with participants, or ‘beneficiaries’. It gave deeper indications about self-recognition and recognition of others, about how trainers saw themselves in a structure of relationships and in relation to those they were addressing. Confrontations were reflections in the training room of the adjusted social and institutional relationships under discussion. Every training contained at least one archetype described by trainers as “the heckler”, the spokesperson for ‘Tradition’ who tried to set the course of debate and consistently met discussion points with barrier statements on “our religion”, “our culture”, “imposed ideas” and “the West”. These figures were always older men, usually from Government, who ascribed to themselves some significant institutional and social status. Each effective trainer was to some degree an outsider to the privileges of hierarchy, less constrained by a stake in the status quo and more open to the prospect of change. Most were from NGOs, young or female (and occasionally all three). Initially, therefore, trainers had great difficulty in overcoming prescribed relationships, of developing assertive, probing and inclusive facilitation skills which were at odds with hierarchical relationships. As the role of the generals indicated in the crisis discussed in Chapter 5, trainers had great difficulty in creating space for others who were marginalised – NGO staff, women, younger participants – to be heard.

Trainers' difficulties in making an impression on immediate hierarchical relations were a symptom of deeper structural difficulties running throughout the process. These difficulties involved breaking down barriers around status and organisation, and of moving from a systems, service or sectoral approach to begin to work in more integrated, people-centred ways that recognise, and seek to alter, power relationships. Challenges to the hierarchy were expressions of a change that needed to be driven through, of taking the focus off expertise, authority and the high status ascribed to particular individuals. Trainers – like donor, Government or NGO staff seeking to implement RBA – therefore required courage to confront authority and willingness to discard expertise and directly counter dominating participants. In processing group work, they needed to be able to analyse on their feet, which those who were imparters of knowledge rather than interpreters were incapable of doing. Challenges were rarely appreciated; one increasingly effective trainer (Aysha) in Karachi was told by an 'expert' (Dr Syed) who had the group in an iron grip "you are just like the donor, coming from the outside and telling us what to do".

One of the central roles of trainers was to hone down the clutter of concepts and 'facts' inherited from UNICEF and create their own essential set of ideas and concepts to interpret and explore with participants. With Khurshid and others, essence moved from instruments to core concepts such as equality, to relationships and analysis of power. Khurshid, for example, had asked how many participants knew of CEDAW; many were working on women's rights and were aware of the Convention. When asked what relevance it has for development, participants were silent. From Khurshid's session onwards, a small core of trainers turned less and less to formal instruments and a downward flow of implementation. They looked upwards from the ground, embedding discussion in value frameworks, norms and experiences which were alive to them, and critiquing institutions and power from that perspective. Trainers lacked any clear philosophy to guide them. Aysha, one of the most enthusiastic trainers, spent a month "wholly, solely" preparing for training in Karachi, after being criticised for her lack of knowledge and method by participants in Punjab. At the end of the month she declared

in frustration “there’s no clear philosophy!” She criticised the weak attempt at a definition in UNICEF’s core programming manual: the goal of development in RBA is to “to create conditions that empower women and allow women and children to participate fully in community life, and in the development and monitoring of policies that affect them” (UNICEF, 2002b:22). She tried to create her own definition – “women and children should be central actors in their development” – which was equally inadequate, although she was nonetheless increasingly effective at stimulating change in others. Even the most effective trainers therefore struggled to define RBA; they were able to grasp and interpret ideas and discuss a right approach in practice, but struggled to capture in a concise, adequate, abstract sense something that had not come alive for them on a level of rational abstraction. Some counterparts likewise demonstrated in group work that they were comfortable with many of the ideas; they were strongly critical of many of the trainers, agitating to be trained as trainers themselves, and were demanding RBA processes at district level, but they likewise always struggled to express what it was they wanted to put into practice.

As Khurshid indicated, effective trainers had to be able themselves, and enable others, to bring the personal into public spaces and to look critically ‘inside’. Khurshid demonstrated that effective trainers were rooting RBA not in the legalistic, the abstract, the external, but – as the crisis in Chapter 5 began to indicate – in ‘insider’ critical analysis. They were connecting themselves and participants to the analysis rather than acting as observers. They were therefore moving from rights as something external – a set of authoritative ideas to be implemented, to improve a development agenda to which we are all assumed to be committed – to something profoundly internal. Shahid personified a rational, detached, fragmented individual (who paralleled a parody of the detached, rational, liberal rights-holder). The image of the rational, detached individual is, as James Ferguson (1997) argues, the semi-conscious model for countries in development, which, as the Poverty Reduction Strategy Paper (PRSP) and RBA process suggested, is reflected in public-private boundaries at all levels of the development model. A rules approach tends to reinforce the development structure consistently presented in Pakistan, which is bounded, hierarchical, mechanical and instrumental,

treated as though separate from a bounded, hierarchical – but norms-filled – social structure underpinning it. As Chapter 5 began to suggest, and Khurshid’s session further indicated, RBA profoundly resonates with (or against) more than individuals’ technical selves; it also involves aspects of emotion, and political and value-based belief; it particularly challenges understandings and uses of norms, values, and power. Effective trainers used rights to break through the detached individual, in themselves and others, to collide with the personal, the emotional, the political beliefs of the whole person.

As Chapter 5 and the contrasting sessions bear relation to life stage rituals and crises (see Victor Turner, 1967): aspects of the RBA process triggered forms of life crises in those involved because it forced them to challenge core assumptions and beliefs. Aysha announced after her failed search for a philosophy, “I believed it before I understood it” (see Dalacoura, 1998 on rights and moral ideas). For trainers who were effective, RBA first and foremost appealed to something political (as Chapter 5 suggested), as well as to some essence of belief, rather than something they were told or, initially at least, able to articulate intellectually. The central energy of rights, the contrasting sessions particularly suggested, does not come from the standard as something in itself but from people’s struggle internally, and with and against others, to mediate, define and promote their ideas of ‘what ought to be’. Breaking down particular sets of structural and institutional boundaries and ‘rules of the game’ released a flood of energy which had been trapped amongst “the technical and so many rupees” (Sharif).

Those who seized RBA therefore found a new relationship with the structure through a period of liminality, defined by Victor Turner (1967:93) as an “interstructural situation”. Rites of transition, Turner argues, occur when individuals travel between states (marking a “stable or recurrent condition that is culturally recognised”) by passing through three phases: of separation, margin (or limin) and aggregation (V. Turner, 1967:93-4). Liminality “may perhaps be regarded as the Nay to all positive structural assertions, but as in some sense the source of them all, and more than that, as a realm of pure possibility whence novel configurations of ideas and relations may arise” (V. Turner, 1967:97). Liminal beings then are “at the very least ‘betwixt and between’ all the recognised fixed

points in space-time of structural classification” (V. Turner, 1967:97). A structurally negative characteristic of transitional beings is that they have nothing – no status, property, insignia or rank (V. Turner, 1967). In societies which are informed by faith in timeless orders, Heelas (1996:3) argues, the individual may be treated as “belonging to (as informed or constructed by) a particular and true order”. In such a context, identities are taken for granted, so barring the need to challenge the discourses which legitimate a particular, hierarchically structured order; in such a context: “Little or no validity is accorded to those who might attempt to speak with their own, out-of-place voice” (Heelas, 1996:3). Change therefore involves some significant break and, even for those who may stand to gain from it, carries considerable risk (Crawford, 1991).

‘Internalisation’ implied a process of inherent movement and ‘becoming’, rather than a state of being. Understandings of RBA evaded definition because their real force, as the contrasting sessions indicated, appeared to lie beyond the rational in political and value-based belief; they lay in how and why individuals conceive of other individuals and their relationships with authority in particular ways, and therefore bring them into, or exclude them from, the planning equation. Trainers had to work backwards from politics and belief to construct an argument capable of convincing others, for example, not only to send girls to school but to value them equally to boys. Those who were effectively locked into, rather than shut off from, aspects of politics and belief which allowed them to analyse on their feet, and to connect with and bring the issues to life within others. They were not only indulging in a quantitative process of acquiring knowledge, but a qualitative one, experiencing qualitative self-discovery and creativity (Marsden & Oakley, 1990). The approach was therefore significantly created and owned by trainers, rather than handed to them by donors in their inadequate definitions. It demanded a great investment of time from trainers, and a deeper willingness to go with the ideas in the direction of profound challenges and change.

A dialogue, or collision, between tradition and change was implied in the two contrasting sessions and thundered throughout the process. A rules approach was a means of avoiding the debate, rushing as quickly as possible – as Shahid did – to a material



understanding of development and what occurs in public spaces. It implies – as does a formalist, centralist approach – that implementing rights is a relatively neutral process proceeding through recognised, legitimate, neutral channels. As Khurshid indicated, an interpretive, socially embedded approach deals directly with norms, values, social relations and private space. It therefore begins to uncover conflict, power and competing interests. It is particularly critical where ‘Tradition’ (even if invented – Jeffery, 1979) is such a powerful force. Reactions against rights came from two directions, one concerned with a rights agenda being imposed by ‘the West’, and the other with rights being incompatible with norms and values in Pakistan. Often, the two strands were combined. One trainer (Tariq) described the Provincial Minister for Social Welfare (the department in which children’s and women’s rights are compartmentalised) saying she was very happy that his NGO was working on child labour. Then she added quietly, expressing what Tariq understood as her own ambivalence about rights, “but we don’t eat the food of America”.

Discussion of rights was constantly mired in a Western versus non-Western dichotomy, and the rhetoric of asserting and restoring (particular interpretations of) authentic ‘Tradition’. A ‘rules approach’ heightens the danger of imposing Western models and formulae. It can be critiqued along with other discourses which are meant to be liberating but which devalue local cultures by assuming a single emancipatory model, which is by default Western (Abu-Lughod, 1998; Lazreg, 1994; Ahmed, 1992). A rules approach implicitly functions through the “instrumentalities of power” highlighted by Windsor, in which the USA has “assumed the demi-imperial role of imposing human rights on others” (1995:187). It assumes that the UN, for example, is perceived as a force of benevolent neutrality. Rejection of RBA was expressed in rejection of ‘the West’, through images of Western childhood, liberated women, an extremely materialistic society and, particularly, in deep mistrust of the UN. A ‘rules’ approach is of little use in breaking down these barriers. If rights are treated as abstract rules that have to be accepted – particularly as ‘international’ or ‘external’ rules – they are countered with similar abstractions, as Western, imperialist (even Zionist) tools. If rights are approached in grounded ways, it becomes more difficult to sustain boundaries. The most effective trainers therefore transcended boundaries by focusing discussion on national or local

realities, “otherwise we are dismissed as a UN agenda” (Tariq). The message of the most effective trainers was to acknowledge and move beyond frustration with ‘Western agendas’, (US and UN sponsored) violations of rights in other parts of the world, ineffectiveness of international or national laws, and the corrupt failure of the state in Pakistan. One trainer, Sharif, made pre-emptive strikes against ‘Western’ hostility by distancing himself from the UN:

I tell them, who says the US is a human rights champion? Don’t mind it, the UN’s role in Afghanistan is very bad – we have to allow, that but we need to look at equality in Pakistan, look at education for both boys and girls, our religion says they must both be educated.

Those arguing for Tradition and for change both argued, on the surface, from a moral, value-based perspective. The former, as will be discussed further in Chapter 7, tended to stress moral guidance, with a sense of rules and control requiring individual obedience to authority; the latter tended to emphasise, but with great care, breaking out of control. Religion was the most intimidating barrier of Tradition, a ready source of power for those who, as the training team cautioned, “are going to try to block you from getting under their skin”. ‘Islam’ was a wall which shot up throughout the process and derailed any trainer who was ill-equipped to handle it. Trainers could (and did) respond to religion by causing outrage, by driving objections underground, or – particularly through the notion of equality – by beginning to build some organic connection with the idea of rights. Trainers were told from the beginning not to try to avoid religion, that if there were questions in people’s minds they needed space to discuss them. They were never to pose as religious experts, but they needed to be prepared for collisions between religion and rights. Trainers who were not prepared for sensitivities around religion sometimes led sessions into treacherous waters. An entire three days of training were jeopardised by one (Noureen) insisting that children have the right to choose their religion, and by the fury that followed. One woman (Dr Rosa), the only Christian in the process, argued that too much stress on religion was “polarising debate”. A trainer, Aysha, likewise feared that giving weight to Islam was “dangerous” because it would reinforce the belief that a ‘truly’ Islamic state will suffice for fulfilling all rights.

All effective trainers overtly reconnected a concept of rights, and values such as equality, with Islam, and then moved the debate forward on a new track. Connecting values with religion was the most visible mechanism for shifting from ‘power over’ to ‘power to’. As Khurshid had done, effective trainers set the discussion on a particularly strong foundation, and disadvantaged those who rejected an ‘external agenda’ and asserted particular norms and injunctions which promote inequality (most often, particular gender relations). Trainers would make statements such as “our religion says *equal* rights, justice for all” (Pervaiz) which took the debate into a realm from where it could not be outrightly rejected; they encouraged counterparts – as Chapter 7 explores from counterparts’ perspectives – to take the struggle ‘inside’. One trainer, Farzana, for example, was disadvantaged by being young and female. In her first experience on the floor she struggled to gain respect and attention from participants. Thereafter, she would begin discussion of human rights by debating rights and equality in Islam, after which she quickly had more authority than other trainers held over the group. She reclaimed the power being used by those who were rejecting rights and who, for example, asserted the lower status of women in religion and Tradition. Farzana returned to a deeper value of equality, which made assertions of inequality difficult to sustain. Although counterparts could, and did, find text-based justification for inequality, they could not reject the notion of equality itself. Once trainers had built up linkages with values contained in religion, counterparts argued the compatibility of rights and Islam in interviews at the end of the process as vehemently as many had argued the opposite at its beginning (see Chapter 8).

Farzana and other trainers were therefore digging past particular norms, injunctions and rules of social interaction, and reconnecting with and reinterpreting values. They were, in many cases, infusing them with the power contained in religion, rather than being cowed by use of that power as a barrier. As the contrasting session indicated, discussion came alive from a vision-centred or value-based foundation rather than from the perspective of rules or injunctions. Discussion came alive from the ground upwards, through examination of values, norms, a social structure and relationships with authority. Some trainers began, as Khurshid’s sessions illustrated, to break down the divide between a hallowed sphere of values and a less respected, heavily technical sphere of development.

They began to move into a political realm concerned with relationships between people and authority, carefully unveiling Tradition and challenging those who claimed the right to interpret and speak for it. Most trainers were not able to start from a value-based, interpretive perspective or vision because, by conscious choice or otherwise, ‘internalisation has not happened’, as was most clearly demonstrated by treatment of gender equality. Sharif, who rose up to take Shahid’s place as the most confident and outspoken trainer, argued: “If you conduct the gender session and there’s no confusion, there’s no impact”. If discussion of gender equality was weakly facilitated – without getting ‘under their skin’ – then gender dynamics evaporated and, in their wake, wider themes of equality and power. What emerged was an approach which avoided ‘private’ space and power, and was typified by the initial group work discussed in Chapter 5.

Trainers had to find a line on religion which avoided outrage or driving resistance underground; they had to ‘get under their skin’ and open (if not resolve) issues. Care and experience were needed by trainers to discuss rights, and ideas such as equality, with reaction, but not rejection. One trainer, Aysha, who was an activist from an NGO, confronted men with the misery they inflict on women and girls, and implied, dangerously, that women’s lower status is caused by religion. The messages of Aysha’s session were lost in outcry and rage. In a later training, Aysha approached counterparts in a different way. She followed Khurshid’s grounded, ‘social change’ approach, linking her discussion to a concept of equality rooted in Islam, and from there to personal and social experiences, including the immense pressures placed on men. As a result, participants were more willing to unwrap personal and social issues. As they had done in Khurshid’s session, they were more willing to interrogate social norms and acknowledge that some are imprisoning, rather than being backed into a corner from which Tradition had to be defended. Aysha was therefore breaking down boundaries in going to the position of those with whom she was debating, even when she profoundly disagreed with their views. A rules approach, by contrast, signifies holding a position rather than developing a relationship, whether in the way individuals tried to create an understanding of rights in others (in which static expertise and knowledge were thrown out, ‘without reaching out to them’ and unconcerned with who would catch them) or in the way they

looked at society and development. A careful, grounded, value-based approach, however, did not necessarily take participants beyond discomfort in rejecting equality to comfort with equality; there was still a long distance between acceptance of ‘giving women their rights’, and women and others with relatively little power being able to claim entitlements and become ‘visibly more powerful’.

Effective trainers therefore critically analysed realities (‘what is’) from a perspective of ‘what ought to be’. As Khurshid did, they began by opening up a ‘private’ world of social values, norms and relationships, linked with a more tangible, material public world. They began to see the construction of norms (concerning, for example, what decisions women may make, or the social pressures carried by men) and of power relationships, and their basic connections with development processes. They moved beyond the capacity to ‘deliver’ physical goods and services, regardless of who has the capacity to access them, to explore the influence of gender, caste and other determinants of status and recognition. Effective trainers, like Khurshid, already had or evolved some interest in distribution and redistribution of power and resources, and were consciously actors in political processes. In contrast to ‘neutral’ understandings of RBA, effective trainers were the first to acknowledge explicitly what are, in their terms, its deeply political dimensions. They became concerned with a central question RBA is intended to address why the benefits of development are not reaching everyone (UNICEF, 2002), or, as one participant (Sajid) put it: “if there’s peace, income will increase and poverty will decrease so the whole society is happy – why is that not enough?”

Effective trainers indicated that they were building on their own moments of change, challenging fragmented, compartmentalised thinking with more integrated, connected approaches (for example, how individuals’ status impacts on access to services), and transforming *what* development is for into *who* development is for. Trainers’ questions to participants – “If I have a right to life what’s your responsibility as a society?” (Farzana) – replaced aggregate categories, such as ‘social assets’ or ‘social capital’, or abstractions such as ‘poverty’, with the individual as the unit of development and issues centred in the person. For the few effective trainers, themes of agency and participation –

aspects of claiming rather than receiving rights – were fundamental to the possibility of change. For the majority, participation remained instrumental, for example, “if you involve more people you can gain a lot of ‘whys’ – if you talk to just 10 people, you gain little knowledge compared to 100 ...” (Tariq). As a result, counterparts’ group work sometimes included participation in assessment and analysis (to gain more information) but objectives and activities remained one-way ‘delivering’, and monitoring and evaluation concerned with counting (how much, how many). Trainers repeatedly argued that Government is not interested in a participatory agenda, as is demonstrated by failure to transfer priorities and resources to ‘deprived’ communities. The attitude in Government according to Sharif was: “why mobilise? If I’m aware, I can take my rights.” If UNICEF was interested in change, he argued, there should be less focus on Government sectors in workshops and more on civil society because “If you create a pressure, then the government office will move!” Some trainers therefore quickly began to feel constrained and to express frustration. They desired a more dynamic, determined process, engaging with the politics of development and social change, which was less constrained by the politics of donor and Government relations.

The majority of trainers continued to stress Conventions and struggled to connect – as all trainers had initially in the event described in Chapter 5 – discussion of development planning with any understanding of rights. Trainers who were ambivalent about a rights agenda did not demonstrate a strong perspective of ‘what ought to be’ (for example, an idea of equality) from which to challenge, rather than reinforce, social and power relations. As was illustrated by the contrasting sessions, and the group work discussed in Chapter 5, discussion was not brought alive by instruments, articles or an idea of ‘children’s rights’. It was brought alive by connecting with core values, opening up and applying them in personal and social spaces, and contextualised discussion of gender inequality and other manifestations of discrimination.

## 6.4 Conclusion

The contrasting interpretations of RBA, typified in Khurshid's and Shahid's sessions, demonstrated that change was only stimulated by those who were able to cast off status and be connected, to be 'lowly' and on a level with others. The contrasts raised essential issues about control, and highlighted the ineffectiveness of the hierarchies and 'power over' model through which development operates. The few trainers who took an 'interpretive' process approach sought to challenge the existing structure through people's own interpretations of core values such as equality. Those emphasising Conventions took a formal 'rules' approach, concerned primarily with enforcement and controlled change (or improvement) by passing instructions down through the structure. A rules approach implies linear implementation and overlooks the ways in which the structure and its 'rules of the game' contain and perpetuate the relationships that rights (as would be argued from the other perspective) are interested in transforming. Differences between interpretive, process approaches and formal, rules approaches parallel tensions between ethics and law, and actor-oriented and legalistic approaches.

A rules approach stresses the dimension of providing, but less so the dimension of claiming, or changes to underlying power relationships which enable or inhibit access to rights. Many trainers struggled with a basic assault on their status and expertise. The majority focused on instructing in facts; they depended on status and control, and often fell apart due to their absence, unable to cope with the question rather than the authoritative answer. They struggled to adapt from being teachers of rules towards handing over power by helping counterparts think for themselves how ideas might influence their approaches to development. They struggled with their own unease about more analytical, interpretive, challenging development approaches.

Those who had most enthusiastically and vocally seized critical analysis and interpretive approaches experienced, in all cases, a dramatic change in their standing amongst the group of trainers. In the hands of the majority of trainers – typified by Shahid – RBA remained aloof, detached and external, tinkering with and fine-tuning the structure and

improving its productivity. A 'rules' approach contained a drive to deliver more rights, but trainers stressing rules did not demonstrate interest in changing relationships – amongst development actors, within the household, within society or between society and the state. As Chapter 7 discusses, RBA threatened something valuable in an existing structure of relations. In the hands of the few – typified by Khurshid – a rights framework was moving into an internal, contextualised agenda within the RBA process, and within processes independent of UNICEF which were increasingly emerging at the request of national counterparts. Amongst the few, a rights framework was used to legitimate challenges and enable some form of break with central authority. Effective trainers were centrally concerned with transforming relationships, and their concern was most vividly indicated, as Khurshid illustrated, by their positions on gender equality. In the statements upon which RBA draws – all human beings are equal – trainers and counterparts were being asked to do nothing less than challenge the bases of social organisation and overturn a pyramid of relationships. By asserting themselves from positions of relatively low status, by bringing others of lower status into the group, and by their emphases on power, equality and accountability, some trainers were trying to widen the base of who is entitled to interpret those rules. Some saw the challenge, as Chapter 7 explores further, as destructive; others saw it as positive change, shaping reality on the basis of values contained in Islam or in other sources of value-based or political beliefs. Responses to RBA were largely responses to political implications of transforming power relationships, which ultimately determined who did and did not choose to interpret in it an agenda to drive for change.



## **Chapter 7: Giving or making rights**

### **7.1 Introduction**

As previous chapters have indicated, rights and a Rights-Based Approach (RBA) were treated by many trainers as separate from social relations. They were used in ways that reinforce an image of a bounded, hierarchical development model which does not engage with the 'private' sphere or the operation of power. A rights agenda meant for many a set of facts to be learnt and rules to be obeyed, assuming – as was implied in discussion of social norms and, for example, gender relationships – obedience and acceptance, rather than reasoning and interpretation. Rights were therefore used to emphasise, in an opposite direction to Sen (1999, 1992) and Eekelaar (1992), the primacy of 'welfarist' approaches over agency. Conversely, a minority of people began using RBA to question the ways in which development is pursued and, more deeply, to question the norms prescribing how social relations are interpreted and ordered.

This chapter examines the deeper layers of those arguments, as, in the hands of trainers, the ideas were becoming more solidly embedded in the context, and therefore becoming more challenging to its structures and relationships. Issues discussed in this chapter are a precursor for issues around operationalising the approach, discussed in chapter 8. In every training, a dominant response reared up in reaction to rights. The voices raising the response are examined, drawing particularly on the perspective of one key counterpart, Iqbal Sahib, who typified the dominant reaction. The chapter explores the extent to which, with him and with others, the barriers of the reaction were broken through and what further barricades of power and preservation of social and institutional hierarchies were then encountered. It particularly explores people's central use of religion, and of gender relations, to construct and maintain barriers against change and, conversely, to construct challenges to those barriers.

The chapter therefore explores the ways in which a formal, rules approach is promoted by people who do not necessarily subscribe to it, including those centrally responsible for

promoting the state's formal obligations to children and women. Many counterparts embodied a tension between their formal roles, through which they promote rights, and deeper roles, from which they were wary of rights-based change. For those taking an interpretive approach, ideas of change, political perspectives, values and understandings of rights tended to be struggled through and reconciled. This chapter builds on earlier chapters by exploring what lies behind the reactions, hierarchies and state-society divide they indicate. It explores the gap between the standards asserted (including those asserted through religion) and what is seen and recognised, in this case particularly the operation of inequality and discrimination.

The dominant response to RBA is therefore explored, but also the quieter voices behind it. Different methods are drawn on, which capture the public face of counterparts such as Iqbal Sahib, and more private, contrasting reflections. Methods also cover a wide timescale, at the commencement of, during and several months after the training. Methods in public spaces (centred on observation and interviews) and private spaces (captured through interviews and questionnaires) emphasise different facets and indicate that some individuals may be playing a role in each (appeasing the status quo in public and the donor in private). Together, however, they indicate the complex, non-linear and often contradictory ways in which individuals position themselves with regard to rights, social relations, authority and change. The different data sources reveal the interplay between two different (heavily gendered) understandings of rights, which reflect differences between formal, centralist and pluralist, actor-oriented approaches, and between rights being 'given' and 'made'.

## **7.2 Iqbal Sahib: from 'this is our religion' to analysis of power**

Iqbal Sahib was a participant in a training which took place in a remote, simple mountain retreat close to the Afghan border. His interventions, in combination with those of other participants of his status, typified a broadly similar dominant response which was cast up in every training in reaction to RBA. The response defended religion, culture, the social structure, existing development approaches and power relationships against an 'external'

rights agenda. The role of Iqbal Sahib, and others of his status, set firm boundaries in each training around what could be discussed, and by whom. In an interview several months after the training, Iqbal Sahib presented a completely different front. He lowered the barriers he had raised in public, and critically analysed the social and power relations lying behind them. His contrasting public and private roles gave some indication of the tensions which rights create, or exacerbate, within and amongst individuals. They gave some indication of the barricades of power and preservation of social and institutional hierarchies underlying individuals' reactions to change, and particularly of the use of religion and of gender relations in constructing and maintaining those barricades.

In Iqbal Sahib's training, there were 21 Government and NGO partners, together with a handful of donor staff and consultants. Iqbal Sahib immediately established himself as one of the *buray sahibs* (important gentlemen) whose status and personality would dominate the coming three days. He was a key Government counterpart and on the first evening announced: "I am very comfortable with the CRC [Convention on the Rights of the Child] because I have been in the child rights business so many years". In breaks between sessions, Iqbal Sahib was a children's rights enthusiast. He was awash with plans for follow-up RBA training and a stream of activities on CRC orientations, rights monitoring and juvenile justice. Iqbal Sahib was positive about change, eager to shift his energy, alongside Devolution, from the Provincial to the district level.

Within sessions – and even more within group work – Iqbal Sahib was one of the participants (older, male, usually from Government) who spoke for Tradition and held firm control over the public space of the training<sup>28</sup>. His comments tended to remind everyone of a functioning hierarchy, and to reinforce it. At the end of the first day, he looked over the heads of the *buray sahibs* and pointed to the silent majority. He observed that participation was imbalanced, with those "senior and experienced participating and interacting heavily" while the majority made no contributions. "Today," he announced, "even I myself will be restricted". As *buray sahibs* did in most trainings, Iqbal Sahib

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<sup>28</sup> I understand 'Tradition' as subjective, as meaning what individuals say it means, rather than as an objective reality (see, for example, the discussion on Islam in Chapter 2).

suggested that the “experts” – the trainers – be allowed to give their lectures with questions and answers being “delivered” at the end.

Iqbal Sahib also intimated that Islam, which had been heavily stressed in the first session, had “not been incorporated” and volunteered to begin each day with a recitation from the Holy Qur’an. He had been one of the first to bring religion heavily into the debate in the earliest discussion of human rights, and continued throughout the training to do so. A participant had protested that religion was the source of rights and (an argument which tended to follow) that the US and UN were the worst human rights violators. This particular criticism of the UN was striking because it came from a UNICEF consultant. Throughout the process, individuals would quickly shed formal, public roles in such a way. They would speak from ‘embedded’, ‘internalised’ roles, or identities (Castells, 2003:7), to defend Tradition and culture against a critique from the ‘outside’. Iqbal Sahib backed up the protest and argued that the *Hijatulwidda* of 1400 years ago should be included as the fourth human rights document, then “everyone would accept it”. He similarly leapt out of his professional role and declared that the CRC was “not according to Islam”. One reason he gave was that in Islam a child becomes adult at puberty, not at 18. The definition of the child was always a controversy which, as Iqbal Sahib knew, was critical for the possibility of protecting young people in many areas, including juvenile justice, child labour and early marriages. In every training there was commotion over children’s participation (for example, the right to be heard in decisions and processes affecting their lives). There were angry debates about children not having the right capacities; at the same time there was attachment to norms which threw children into adulthood much earlier than the CRC. Another UNICEF participant quickly and rather bravely interjected “please put religion in the garage”. Throughout the session on children’s rights, the *buray sahibs* continued to point at the ‘West’, veering into issues such as “what INGO has combated the UK and US influence in Iraq?” As in every training, the issue of the US not ratifying the CRC threatened to dominate the session. Eventually it was Iqbal Sahib who, with a legalistic rationale, brought the focus back inside: “I think we’re too concerned with the USA – we signed so we need to implement”.

In the following session on gender and women's rights, the *buray sahibs* resumed their assault on the 'outside' ("... women are not prime ministers in so called developed countries – why are we limiting criticism to Pakistan?"). After listening to the discussion over gender roles and inequality, Iqbal Sahib declared:

The West has high indicators and can talk about these things. We're premature babies. If we criticise our traditions and concepts, what alternatives do we leave ourselves – what alternatives do we have?

Khurshid, the trainer, argued that if women are working in the house, that work needs to be valued; there needs to be flexibility rather than rigidity around gender roles. Iqbal Sahib shifted his critique onto the Government, demanding: "How much is spent on defence?" The issue was put in the 'garage', so Iqbal Sahib moved back outside: "The World Bank should give grants instead of loans ..." Another *bura sahib* (Feroz) announced that 75% of the education budget was being spent on girls, implying that enough was being done for gender equality. A whole side of the room remained silent. The male trainer, Khurshid, moved on to the pressures on men, how they are also suffering but forced to suppress their emotions, how rigid roles in Pakistan mean that "when a girl is born even *women* mourn". In role plays – for Iqbal Sahib, "my role play" – he claimed "I'm so much sensitised that I'm taking the role of the mother". His group portrayed a son being taken to the specialist when he was ill, but for the daughter the mother only went to the dispensary. A lively debate followed around feminisation of poverty, women's access to resources, vulnerability in armed conflict or as refugees, and violence. Iqbal Sahib announced that it was "100% right" to argue that women's rights are violated in Pakistan (that morning, by contrast, he had accused two of the trainers of raising gender issues because they really "only want to kill men").

Day two opened with Iqbal Sahib's recitation and the quiz. As in every training, teams had assigned studying of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) to women. For a change, the *buray sahibs* were silent. The vast majority of answers came from two participants from a large NGO (Farah and Alim), not from the Government 'experts'. The session on human rights

principles was again overwhelmed with *buray sahibs*. They mainly led a defence of existing approaches against an implication that the processes they had been dominating for decades were inadequate. In the first major participatory exercise, Market Stalls, groups were to make visual presentations on the operation of rights principles in education, child health, birth registration and sanitation. Groups were representative of the overall mix of organisations, sectors, Government, NGOs, age, gender and other attributes of status. Iqbal Sahib held his group in an iron grip. Although he had appointed a young person to present, he could not control his interjections. The point of birth registration, according to Iqbal Sahib's group, was "control of population" and, as if as an afterthought, "children get rights". All the principles were covered abruptly and authoritatively: there was some discussion of laws, but non-discrimination was limited to "both males and females", birth registration "gives participation" and the best interests of the child was covered "automatically". The whole system was held to be conditional on "parents being educated" (one of many glimpses of a recurring theme about the risks of the "uneducated" participating in development). Two other groups had integrated the principles in much greater detail and, women later claimed, been more participatory.

Feedback the next day indicated great confusion between 'needs-based' and rights-based approaches, particularly – the central concerns of the *buray sahibs* – where RBA was coming from and what was wrong with the existing approach. The furore demonstrated that the training was in part relying on simplistic assumptions, particularly around the difference between needs and rights (the former sometimes being described, for example, as the giving of favours and the latter as recognition of entitlement). The *buray sahibs*, including Iqbal Sahib, demonstrated that rights principles were not cutting very deeply; they led a long critique of the idea of participation and the ways in which it undermines development achievements. Iqbal Sahib announced that "with RBA the main thing is participation". However, immediately afterwards, in discussion of mainstreaming RBA in the programming cycle, he protested that if we become process focused – if we stress participation and detailed assessment – everything will take too long; we cannot achieve the objective in time. A trainer, Rukhsana, responded that this is an *investment* of time to

achieve sustainability; other participants tried to contribute but Iqbal Sahib remained unconvinced.

A trainer, Tahira, introduced the final major group work exercise on RBA in the programming cycle. She emphasised that participants should not use vague categories like “community” or “family”. They should break down categories into more meaningful groupings defined, for example, by who has and does not have power in the household or community; they should disaggregate, assess and analyse stakeholders’ obligations, institutions, laws, policies, resources and social-cultural factors. Priorities should relate to survival and maximum development, the best interests of the child, and the rights of marginalised groups; objectives should be concerned explicitly with addressing discrimination and fulfilling rights. Groups should ensure that gender equality and participation are mainstreamed in their programmes, and explore linkages with other organisations because “one organisation in a holistic approach can’t achieve much alone”.

One *bura sahib*, Feroz, had been called to a meeting and his group was found looking into space in silence. When asked why they were waiting, they said “he’s not here, so how can we do it?” Feroz Sahib’s grip was so strong that even though his role was in education and the group work was on maternal mortality, his colleagues felt too intimidated to proceed without him. Khurshid, the trainer, told them “you’re all equal on RBA” and when Feroz Sahib returned shortly afterwards he could not find a way into the lively debate. Later, when Feroz Sahib had re-established himself, a woman (Sarah) said how difficult it had been to be heard; she kept trying to raise social, cultural and power issues surrounding maternal mortality and spoke of the stress and isolation of young girls of 14. She argued that she was a social organiser and that she knew about these issues, but Feroz Sahib was “so senior that he wouldn’t listen to me”. The final version of group work, as a result, had no linkages with the realities in which women live, with social and cultural issues and, particularly, with gender discrimination.

Iqbal Sahib's group, working on birth registration, looked ready to finish in the quickest time. He announced "we're cruising". It was pointed out that this is what he had said the previous day before presenting the least detailed group work. A closer examination showed that the group work was again abrupt. It had counted numbers of boys relative to girls, and gave some description of refugee camps. However, Iqbal Sahib had to be stopped from writing 'poverty' as the sole analysis preventing births of refugee children being registered. He had to be asked to link accountability to levels of Government higher than the sub-district union council, a recurring theme of focusing only at community level or only on the central state, without linkages in between. Iqbal Sahib, firmly focused on the mechanics rather than the principles, was arguing that "the time line is the main problem – should we be thinking about up to 2003 or 2005?" A senior colleague quietly commented from the sidelines that such exercises – requiring counterparts to listen to those who usually received instructions and to see a familiar situation in a new way – were "hardest for these bureaucrats who've had a taste of power". In group presentations, Iqbal Sahib discussed some issues, such as poverty among refugees leading to child labour. There was some analysis of the legal framework, after much probing by facilitators. There was no analysis at all of refugee status and how it links to the themes the groups had been asked to explore, of accountability, non-discrimination, the best interests of the child or participation. Again, the approach was overwhelmingly service-centred and unchallenging of the underlying situation or relationships surrounding it. All other groups (similarly to the initial presentations described in Chapter 5) had also produced a 'situation analysis' which was divorced from the situation; it centralised the system and treated the people it was meant to be serving as marginal. A young trainer, Farzana, commented that "these are examples of number-centred, not people-centred approaches". An angry debate broke out which was eventually brought to a close. As a UNICEF colleague observed, it was particularly difficult for the *buray sahibs* to "feel talked down to – especially by girls".

A Pakistani colleague made a closing speech to sullen participants. She confronted many of the fears the *buray sahibs* seemed to be grappling with. Everyone should be aware, she said:



... that there is no turning back from this. Soon we will be saying how can you *not* talk about equality? No-one except the very retrogressive will be able to say they don't believe in this. The rest will start inculcating in our planning and our lives.

The training closed on a slightly healing note. The main theme running throughout had been confronting the dominance and dominant narratives of the *buray sahibs*, and creating space for other voices to come into the debate. There was a constant challenge of moving discussion inwards. Objections centred on resentment of the 'outside' or any challenge to "what we've been doing". Those from NGOs and those who had tried to bring in social, cultural and gender dimensions again spoke privately at the end of how much they had learned, but how they felt they had been silenced.

In the training, Iqbal Sahib had consistently referred to Islam and Tradition as a means of raising barriers to a 'Western agenda'. In an interview in the donor Provincial office eight months later, he dropped these barriers and revealed more of what lay behind them. He especially revealed more critical thinking over the dilemmas, raised by RBA, about change in social and power relations, particularly where they interfaced with empowerment of women and girls. Iqbal Sahib's interview was strongly focused not on mechanics, but on "breaking down that dominance" which he had so strongly embodied. When asked how he would define RBA, he emphasised what was always missing from group work under his control, inclusion of those who are most marginalised. He described RBA in his own terms as an approach that was "holistic, *human*, especially focusing on the neglected, under-privileged section". He argued that "the planners, the executors need to become broadminded to accept the rights of the neglected, those living outside their own office environment". His second emphasis was participation, "to truly involve the clientele, recipients in the process and let them themselves evaluate". RBA means "sustainable, equitable development, meaning people care, that they have a sense of belonging in that development, that they will own and appreciate it".

Iqbal Sahib emphasised the gaps between beliefs and practice, the difficulty of influencing institutions, and short-term uncoordinated donor visions. Although RBA is a

“very extended subject”, Iqbal Sahib claimed, for him the “concepts are no problem”; it is “when we come to programming, there starts the confusion”. He argued, “I’m clear about the planning, about what’s wrong with ‘needs based’, but I’m not clear about rights programming because ideologically I’m convinced but practically I feel certain confusions”. Despite being a senior bureaucrat, Iqbal Sahib also felt he lacked any real influence, and that UNICEF should train policy makers and others in more concentrated ways. The shift needed to take place first amongst planners through conviction and “internalising” of ideas. For Iqbal Sahib, and in contrast to the sustained defence of a ‘needs based’ approach, internalising meant questioning existing approaches, to “fully sensitise, commit that we’ve been doing the wrong thing ... we have to reduce this sort of cultural dominance and identify those who are neglected”. If planners were not convinced, they would “add on a few mechanisms” but would still be planning from “their own point of view”. He argued that even for someone like him “we are still in the room with our thinking”; like the recurring development model, planners were confined within the system rather than engaging with the development situation.

Iqbal Sahib was especially concerned with the mismatch between RBA, centred in people, and a compartmentalised, sectoral development model. He was frustrated by UNICEF’s refusal to recognise the contradiction. While UNICEF is introducing people-centred, life-cycle approaches, he said, development still works “sector-wise”, so a conflict remains between words and practice. He and many other counterparts argued that RBA should not be promoted through isolated training but through UNICEF taking on the partnerships it keeps urging on others. UNICEF should pursue district level capacity building with the National Reconstruction Bureau (NRB) and work in concentrated, grounded ways with chosen communities to demonstrate effectiveness. Without demonstrative success, Iqbal Sahib argued, other larger donors would continue to ignore RBA and integrated approaches. RBA means “revolutionary change – thinking and acting in a whole person development approach – but so far we are confined to sectors and one aspect”. Working with a particular community would help to overcome the “fractured thinking” of different donor agendas and Provincial Government programmes. In the Annual Development Plan for next year there would be new

projects, but “none on RBA in any of the provinces I assure you”. This was, he claimed, because “donors are not stressing on it; they’re talking about gender balance in health and education but not overall RBA”. With UNICEF too, “there’s a new concept every year”. Iqbal Sahib reinforced the patterns emerging with group work where systems and structure have greater visibility than people. UNICEF promotes a life-cycle approach, but:

... we’re still talking about education, not change and development for those under the age of 15. Child development, protection, participation are getting nil investment as a subject because everyone is dividing the services, not the stages of the human life cycle.

Iqbal Sahib indicated that problems did not lie in formal acceptance of rights but in confronting inequality and discrimination. In his personal life, Iqbal Sahib saw himself at the top of the family structure, dispensing rights and supervising the actions of his family. He particularly “neutralised” his wife, he claimed, against treating his daughters unequally to his sons. His job was to oversee his wife fulfilling her duties because “major discrimination and responsibility for children comes from the mother”. When asked if RBA was any different from children’s rights, Iqbal Sahib moved beyond broad statements, but also beyond his “ideological conviction”. To an extent, RBA is “synonymous with the CRC” but “as far as women’s rights are concerned, we are still waiting”. In his Province there were many CRC orientations. He argued that here:

The child is the undisputed human being everywhere, we all accept this; but when talking about a woman’s right, then question of vested interests come! That’s we, *us*! ... Instead of making the woman aware, make the man aware. What’s he afraid of? He considers the woman his property because of social taboos and norms.

Asked if the main barrier was religion, Iqbal Sahib felt this was only partially true:

In religion, liberty is there, so how does he make the woman his property? It’s not there in the tenets of religion.

Iqbal Sahib was initially unwilling to ascribe doubts to himself, but was more frank than most – and certainly than other *buray sahibs* – about superficial acceptance of RBA. He himself, he argued, was “too much sensitised, but to be frank I’m brought up in a culture

and environment which is not mentally prepared to digest certain ideas – acceptance may be artificial”. Iqbal Sahib stripped away the argument, which had streamed through the training, that the idea of rights under discussion is in conflict with Islam. He was the only counterpart to turn to Islamic jurisdiction and *ijtihad* as a prominent concept meaning “moderation, innovations, interpretation of ideas – through that we can adapt and reconcile”. Convincing and internalisation, he argued, therefore has to come through religion. It has to come through a concept of *ijtihad* which – in contrast to a formal approach – drives creativity and generates new knowledge (Kamali, 1991:376, 373) through individuals’ internal struggles with ideas. However, knowledge of religion is “everywhere very limited”; people need to understand, Iqbal Sahib said, that there is no dispute between the principles of religion and ideas of human rights.

Iqbal Sahib was one of the very few men to set out specific rights for women. Walking into a particularly sensitive subject, he argued, for example, that “inheritance rights are clearly set out in the Qur’an” with a share for the woman, whether she is a wife, sister or daughter – “but in the Pushtun or sub-continent culture, no-one is ready to give a share of property, not because of religion but because of human greediness and male dominance”. The biggest obstacle was then *Pushtun-wala* (Pushtun cultural code): “it creates problems for women folk, especially in big families where marriage problems are very big”. In Islam, “the economic right for women is there – but it will remain an issue until we achieve 100% literacy rate, until we come to education on rights”. Ultimately, the conflict with RBA in this context was not the superiority of religious or cultural norms or values, or of existing approaches to development:

We have maintained our social structure and put the roof of our society on pillars. How we maintain it is the given role to everybody – if you delete my role then someone will demolish the structure. So what is the remedy? When you remove the pillar of wood then you have to at least replace it with a pillar of concrete – this is the problem, the social destruction I feel and everybody feels.

So did Iqbal Sahib have some reservations about RBA? “If you demolish the family system you have to give a substitute – if you’re not doing that there’s hopelessness”. He

argued – obligingly but rather vaguely – that such a solution exists in RBA because it means thinking in a “holistic vision” rather than isolated acts of social change.

Iqbal Sahib raised issues about donors, institutions and operationalising RBA which will be discussed further in Chapter 8. Following the interview, he was active in promoting RBA amongst development professionals and began a sustained process of training with the RBA trainers in his province. Iqbal Sahib indicated that there was a central connection in counterparts’ minds between RBA and willingness to pursue gender equality; he indicated that whether or not donors de-emphasise the power dimensions of rights and RBA, they are the central themes governing counterparts’ responses. He personified a conflict between change and Tradition, between enthusiasm for some versions of rights and fundamental problems with others, which were usually expressed through religious norms. Iqbal Sahib raised and stressed themes of internalisation and conviction; rather than leaving them severed from development, he linked them to the practical sphere of planning. As Iqbal Sahib would himself explain, religion is used as a powerful instrument to protect a particular construction of social and power relations. As he also explained, gender relations are the key expression, and safeguard, of that construction. More than any other *bura sahib*, and more than most men, Iqbal Sahib broke down the walls of ‘our religion’, ‘our culture’ and ‘our Tradition’ which he, more than many others, had constructed. Lying behind them was an admission that accepting or implementing the ideas contained in RBA – or even obeying ‘the tenets of religion’ – was likely to mean more extensive social change and challenging of sources of power than *buray sahibs* were prepared to countenance. Altering people’s roles and identities (particularly those of women) was likely to demolish a delicately arranged social structure. Iqbal Sahib therefore broke down the boundaries around a unified idea of ‘our culture’ and pointed towards different configurations defined by power and interests. He demonstrated that power and interests have to be recognised if opportunities are to be created for texturing human rights into particular contexts. Human rights are perceived as alien intrusion where cultures are treated as “integrated, cohesive, bounded, and more or less static”; to build rights into cultural practices and understandings, there needs to be recognition that cultures are “complex repertoires of systems of meanings extracted from

myriad sources and reinterpreted through local understandings and interests” (Merry, 1997:30).

### 7.3 Ideals & practice

An idea of rights is powerfully embedded in an Islamic context, as part of Islam, rather than – as it was continually presented by the *buray sahibs* and others – in opposition to it. Geertz (1983:188) argues that structures are created and imposed in important ways through the ‘agency’ of symbols and systems of meaning (including law as a type of social imagination). In an Islamic context, Geertz argues, the concept of a ‘right’ – *haqq* – is one such symbol or system carrying a multitude of inter-related meanings (reality, truth, validity, God, fact, duty, claim, obligation, fair, valid, just, proper – Geertz, 1983:188). The idea of rights acts on social relations, rather than – as it was continually presented in the RBA process – staying locked away from them.

Within the RBA process, a strongly organic notion of rights (as attached to the status of being human, to social relations and to religion) came out resoundingly from the privacy of questionnaires. Public discussions, dominated by the *buray sahibs*, cast an overwhelming and opposite impression of rights being part of an ‘external agenda’. The idea of rights itself was therefore a prime expression of a theme running throughout, and lying at the heart of the crisis described in Chapter 5. A rich body of ideas and ideals exists but there is little expectation of applying them to social reality; ‘the word’ of equality is continually asserted, for example, whereas inequality is not ‘seen’ or acknowledged. At the same time, the rights contained in the human rights instruments, as opposed to those promoted by religion, were often described – as they were by Iqbal Sahib – as contradictory to Islam. In one training, for example, an angry discussion erupted around the Universal Declaration of Human Rights (UDHR) and freedom of religion. A female participant pointed out that Muslims do not have the freedom to change religion and becoming a *murdāt* (convert) is a serious offence. Trainers eventually had to put the issue in the ‘garage’ and agree with participants “to ask an opinion from a religious expert” (Khurshid, Pervaiz). As this exchange indicated, rights

instruments were often treated within the RBA process, as they were at the state level, as weaker than Islam and as competing documents (O'Sullivan, 1997:132-5).

Discussion of rights was therefore continually diverted into oppositions, rather than into analysis of social and power relations. In public, the 'external agenda' was met with powerful resistance, usually carried through the force of religion, which externalised and controlled new ideas and the possibility of change. Iqbal Sahib embodied the core attributes of status – age, gender, 'expertise', Government position, spokesperson for Tradition – which set the parameters governing who was heard and what was publicly open for discussion. His arguments within the training typified the barriers raised throughout the process to insulate 'insider' norms and relationships against a challenge from 'the outside'. Sessions entailed a struggle to widen the debate beyond themes set by the *buray sahibs*, beyond critiques of the outside and blanket defences of 'our culture' and 'our religion', towards more critical and inclusive analysis of 'inside' relationships. The place of religion in debate – and consequently the UN, the West and the 'external agenda' – appeared continually to be infected by wider dynamics. Such dynamics are described by Sulemani (2001) as coming through divided meanings attached from the 'inside' and the 'outside' (both of which are "unacceptable and impoverishing"): to the West, 'Islam' threatens destruction of "the democratic order in the Western world"; for many Muslims, "'Islam' stands for a reactive counter-response to this first image of Islam as a threat" (Sulemani, 2001:10). Every training entailed a struggle to move discussion away from these oppositions and into social relations.

Questionnaires at the beginning and end of the training (see Chapter 3) opened up space for a wider range of voices which forcefully challenged the dominant impression of rights as an 'external agenda'. Almost all questionnaires revealed deeply organic understandings of rights embedded in social, cultural and religious norms, values and relationships. Rights were often described rather awkwardly (another illustration of a 'verbal culture' which seems to treat the written word as a transmitter of rules rather than a form of expression). Almost all participants understood rights, in a non-formal, non-legal sense. Such an understanding tallied with counterparts' unenthusiastic responses to

trainers taking a rules approach, compared to those bedding rights in social realities and religious norms (see Chapter 6). Rights were located in a social or sacred context – as ‘God-given’ – or connected to the status of being human. In stark contrast to the recurring ‘inside-outside’ debate, only one counterpart abruptly described rights as coming from “USA” (Q. 12). With eight exceptions out of 98<sup>29</sup>, origins of rights were linked to: human life, mostly from conception or birth; to the beginning of society, including bringing order when society needs a balance to grow<sup>30</sup>; and to religion, particularly the *Hijatalwida*).

Religion was a colossal presence in all aspects of the training, particularly in the form of the ‘divine’ laws, norms and values governing daily life and social relationships, of which the buray sahibs acted as guardians. By contrast, formal versions of rights, particularly state laws, were almost completely absent from questionnaires, either as sources of rights or as instruments for rights in practice. There was almost complete disregard for laws in discussions and group work applications, except as weary illustrations of the failures of the state, as irrelevant abstractions or ‘wishes on paper’. Legal dimensions of rights and development therefore had to be fed constantly into the debate. When national laws on, for example, children’s rights were discussed, participants had rarely heard of them, even the ‘experts’ who could list the number of articles in the CRC and explain the difference between signing and ratifying. Formal versions of rights were therefore very remote from people’s realities, which further explained the remote relevance of a rules-centred approach.

Injunctions, norms and rules were usually asserted in the public spaces of the training. In private spaces, particularly in interviews some months after the training, counterparts turned more (as Iqbal Sahib did) to vision and ‘Islam as value’, particularly expressed in

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<sup>29</sup> Two counterparts stated in questionnaires that rights were created by the UN (Q. 20, 33); for one, the source of rights was “Basically with the birth of mankind after the UN’s charter” (Q. 46); for others, the source of rights was “after performing the duties” (Q. 49); “since a man reached the age of discretion (Q. 53); as “fundamental values of human beings” (Q. 29, 38); rights are “as old as civilisation but given proper recognition with UN” (Q. 74)

<sup>30</sup> Including a few linking rights to the beginning of the world or beginning of mankind’s awareness



ideas such as equality (Khundmiri, 2001:272). In private, they tended (as Iqbal Sahib did) to critique the rules and Traditions fixing inequality in social relations. While public spaces were dominated by discussion of where rights and RBA were coming from (their conception), counterparts in private spaces dwelt more on the *concept* of rights. Religion had constantly shot up as a wall in the training but most men and women argued passionately in interviews that there is no conflict between RBA and Islam. The difference between public and private discussions was perhaps that counterparts could differ with the dominant narrative in private (and some, as Iqbal Sahib suggested, may have signalled ‘artificial acceptance’). Most counterparts, however, attributed the difference to discussion in the training which had broken through a Western caricature of human rights and re-connected with organic concepts. Most women, as they described of their private and professional relationships, especially claimed new-found power in breaking through particular interpretations of religion to reconnect with core values, such as the notion of equality. Power particularly lay in connections made in the training between religion and international standards (however romanticised those connections were). In the privacy of questionnaires, women frequently pointed to religion and rigidity as joint constraints (for example, “religion is used as a tool to stop the implementation of rights ... rigid custom and tradition, wrong propaganda in the name of religion” – Q. 4). In interviews, there was much enthusiasm for working through religion.

What both men and women therefore stressed in interviews, and what was never openly stated in the training, is that religion is unavoidably *interpreted*. In public, it was treated as ‘the word’ disconnected from society and human interpretation or design. In private, as Iqbal Sahib did, both men and women aligned themselves with the visions Islam contains; however, they critiqued the ways in which it is interpreted, and who seizes the authority to understand and emphasise particular injunctions. In private discussions, women particularly argued that the Prophet’s message of equality (and especially its application to women’s status) has been deliberately inverted by those who claim the entitlement to interpret religion (Mir-Hosseini, 1999). As one woman (Sabra) argued, “I tell people read the Qur’an *yourself* ... if you ask ten ulema they’ll have ten different answers”. Another (Sarah) explained that when she conducted gender training, men

would use the rights in the Qur'an as fixed rules to buttress their superiority; they would cast off the whole gender discussion because, for example, in Islam two girls are equal to one boy for division of property. The challenge for Sarah and others was not to produce rival rules, which could not possibly compete with those being quoted. It was in the more directly political process of moving behind the rules, reconnecting with ideas such as equality and exploring them in particular situations, rather than perpetually receiving and enforcing fixed injunctions<sup>31</sup>. The challenge, described particularly by women in interviews (and in contrast to their notable silence in public spaces), therefore concerned embedding an interpretive approach and enlivening Iqbal Sahib's role of *ijtihad* as a means towards innovation, creativity and change. For the Indian Muslim writer, Asghar Ali Engineer, the creative interpretation of *ijtihad* has been replaced on the Indian sub-continent with the supremacy of *taqlid* (unthinking imitation) (Engineer, 1992). When any religion acquires mass proportions, Engineer argues, "the masses find greater security in accepting than in questioning ... theologians look for fixed meanings and carve out dogmas which are then widely accepted by unquestioning minds" (Engineer, 2001:31).

What was explicitly emphasised in interviews with women, but never openly in the training, was the deliberate use of religion by "male-dominated society" (Q. 6). Women were eloquent and passionate about the real reasons underlying objections to rights, that "these issues come more in workshops where there are men – men who've got beards"<sup>32</sup> (Dr Najam). In both questionnaires and interviews, women and men usually went down different paths on the connections between RBA, religion and social relations. Men stressed theoretical compatibility while women described the many concrete ways in which rights – derived, as they described in interviews, from both religion and international standards – are undermined. As one woman (Fatima) argued, "women's

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<sup>31</sup> This case concerns division of property, where the rationale of a female receiving half that of a male is not due to her intrinsic value but that she is expected to marry and receive another half share from in-laws

<sup>32</sup> Having a beard was often described by informants as an indicator of a man being devout, but also of his politics and outlook being "conservative" (and sometimes, particularly with long beards, "fundamentalist"). The significance of beards varied. One trainer, who did not have a

rights violations are everywhere, she is not free to raise her voice – our system crushes her down very harshly”. Women tended more to go beyond simplistic compatibility between rights, religion and reality (‘in our religion everyone is equal’, or that ‘Islam brought freedom’ – usually from discriminatory ‘Hindu’ practices). They discussed far more clearly, and with far greater feeling, the power-based interests underlying rejection of rights, that they are:

Just propaganda, just trying to crush! They need their supremacy and don’t want to have that woman and lower community know about their rights because then they will raise their voice. – Sabra

There was therefore a strong sense of rights but not, at the beginning of the training, a connected sense of obligation, which might enable and protect the women or lower community who were raising their voices. Rights were strongly vested in humans (even if mostly manifest in duties others owe) but there was not a clear idea of a right as a legitimate claim entailing an obligation on some person or institution to fulfil it. The disconnection effectively neutralised and depoliticised rights, and kept them impractical. In interviews, most counterparts cited locating obligations as one of the greatest values of RBA. Disconnection between rights and obligations was sustained by the disconnection between the state, or development, and society, a theme which ran through the RBA process and which is characteristic of a formal, centralist approach. Absence of a central theoretical state-society, rights-obligation relationship in turn carried into an immense gulf in practical applications of rights. Questionnaires reinforced the image of a society dominated by norms, values and relationships and a development enterprise which is devoid of them. On one side of the divide, there was an understanding of society filled with, and driven by, norms and values; on the other there was an understanding of development and the role of the state which were enormously mechanical and technocratic, in which norms and values were scarcely discussed. In public spaces, the dominant narrative externalised rights or described them as rules, working – like ‘the policy’ with its sharp ‘policy maker’ and ‘implementer’ divide – through a formal, centralist approach. In questionnaires, and in opposition to the dominant mode, rights

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beard, said “I say to people ‘the beard is one of the things in Islam, not Islam *is* the beard’”. A

were often described through social relationships, as deeply connected to relationships within and outside the family, although without an explanation of why or on what basis, and without connection to development.

Both society and development were depicted in discussions and group work in hierarchical and authoritative terms in which policies and services – and rights – flow in one direction from the top to the bottom. When asked about the relationship between rights and development, most counterparts (at the beginning of the training at least) wrote bland statements about one being essential to the other. Those who expanded usually did so on a highly instrumental basis, reminiscent of the Poverty Reduction Strategy Paper (PRSP). They would argue, for example, that there is “a basic relationship ... you fulfil the rights to the individual and he/ she will be productive in an optimal way” (Q. 27). Questionnaires, group work and discussions therefore indicated that, to the extent rights are easily absorbed into development, they become part of an instrumental agenda understood largely in economic, ‘national development’ terms. The challenge for the trainers was to explore ways in which rights might redefine, rather than add on to, that instrumental developmental agenda through exploring power relationships within society and the relationships amongst individuals, society, institutions and the state. An underlying challenge was in shifting assumptions about the goal of development. The shift was from an abstract macro-economic default – which, as Chapter 4 indicated, ran from national policy processes to the training room – towards more social, people-centred terms rooted in intrinsic, rather than instrumental, human value. Some responses in end-of-training questionnaires indicated some impact in counterparts understanding a connection between rights and development. One for example, wrote a vague statement at the beginning, that there is a “permanent relation”; at the end of the training, he wrote “violation of rights will end; gender discrimination will be stopped; weaker and vulnerable groups will be developed” (Q. 94).

Responses in questionnaires therefore challenged the dominant defensive debate led by the *buray sahibs*. They confirmed (as public venues did not) that a concept of rights

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colleague, who did have a beard, argued “beards are compulsory for Muslims”.

along with ideas of equality and tolerance were far from alien. They confirmed that counterparts are comfortable with an *idea* of rights but, as all other elements of the process also demonstrated, far less comfortable with a more precise meaning in theory, and especially in practice. As a female colleague of one participant (Seemen) argued, and as many women described in interviews: “We’ve always heard about *haquq* (rights) but never thought about them – not that that they did something practically”. Rights belonged in the sphere of powerful ideas which – as Iqbal Sahib indicated – were locked away and interpreted by particular groups in the service of particular interests. When rights were predominantly approached, with a formal, centralist emphasis, from the ‘outside’, from international documents and standards, the entire agenda disconnected from an internal, inherited one and was rejected (by the *buray sahibs* at least) as ‘imposed’. The challenge for trainers became re-building connections with organic understandings of rights and of infusing them into development practice. It was in transforming the practical steps of development programming which were described in the questionnaires, and reinforced in the training. These were mostly mechanical, technocratic and hierarchical, with development being an exercise in ‘pointing out’, ‘deciding’, ‘determining’, ‘identifying’ and ‘supervising’, entirely detached from any sign of life on the ground.

#### **7.4 ‘Givers’ & ‘receivers’ of rights**

Interpretations of rights were distinguished by those who described themselves exercising power over others, and those who emphasised power being exercised over them. Like Iqbal Sahib, most men in all parts of the process depicted themselves as ‘givers’ of rights. Giving, in contrast to claiming, is central to a rules approach. It connects with an understandings of rights, rejected by Sen and Eekelaar, which sets ‘welfarist’ approaches over agency. Giving implies power. The rich man is rich, Bourdieu argues, “so as to be able to give to the poor ... giving is also a way of possessing (a gift which is not matched by a counter-gift creates a lasting bond, restricting the debtor’s freedom and forcing him to adopt a peaceful, co-operative, prudent attitude)” (Bourdieu, 1977:195). A rare example of a man referring to restrictions on rights in his personal life was, significantly,

in the public rather than the private sphere: “not all of my basic rights are fulfilled, for example I have no freedom of expression about religion and politics” (Q. 17). Other men were satisfied (“I have all the rights”, although “no democracy” – Q. 5) or viewed themselves as magnanimous and progressive providers (“if you give rights to your life partner then your home will be a cradle of joy and your children will be raised in a better environment” – Q. 40). Others wrote of their role in “honouring” rights (Q. 20) as “the head of the family” (Q. 20, 53), and “giving permission” for specific rights to female relatives (“we have given our sisters permission for education, employment” – Q. 60). One wrote: “Thank God that I fulfil my wife and children’s rights – I do as much for the girls as I do for the boys” (Q. 92).

Specific questions were asked in questionnaires about social and cultural obstacles to fulfilling rights. Many men mentioned constraints (for example “male dominated society” – Q. 6), but the vast majority were vague and impersonal. There was also considerable vagueness from men over the meaning of gender discrimination<sup>33</sup>. Many wrote that ‘gender’ was sex – ‘male and female’ – rather than roles or relations rooted in power. Even for a participant from one of the largest NGOs working exclusively on the rights of women, gender discrimination was worryingly misunderstood as a catch-all term meaning any form of discrimination: “to discriminate upon the basis of complexion, race, caste, class, politics, culture, language and the area is called gender” (Q. 42). For many male participants, gender discrimination was a recognisable part of their lives, and even their work. Lack of rigour in thinking through what gender discrimination meant indicated (as did almost every example of group work) that the ‘gender agenda’ remained shallow, particularly for men. As Chapter 6 demonstrated, by contrast, effective trainers were distinguished by their ability to open up a meaningful, contextualised gender equality debate. One man (Q. 64) gave a clear glimpse of the dilemma into which men

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<sup>33</sup> Two unusually detailed examples from men (Q. 36, 59): “That which is kept on the basis of sex. That if there’s a woman she has to stay inside the house and produce children. The outside business is to be done by the man or as a man/male he has a high position in society or within the family.” ... “To give male preference to female falls under the category of gender discrimination. To think of a man/ male superior to a woman and say she is deficient in understanding. To stop her from being included in economic activities. To ill treat woman. To deprive a woman of her basic rights, education, health, self-respect”

might be thrown by an agenda which challenges the structure of relations in which they have a stake. When asked to define 'gender' he wrote "gender means the weaker sex (female) because that is dependent upon the stronger sex (male); men and women should get equal rights but without deteriorating the religious principles/ values". When asked to define 'gender discrimination', it meant – as his earlier response had just done – "to consider a woman weaker, not to respect their rights".

Men were, in general, detached from living experiences of being denied rights, in the aloof position of being guardians of the family and observers or guardians of society. Such detachment seemed to lie behind the challenge of bringing society, culture and, particularly, issues of discrimination and exclusion under critical analysis. Group work was overwhelmingly dominated by men and by a top-down view of society. As has been discussed in earlier chapters with the trainers, any issues surrounding gender or other forms of discrimination, which may be identified in group work situation assessments, tended to leak from the remainder of the programme. The focus almost always swung back exclusively to the internal dynamics of service provision.

As Iqbal Sahib made clear, RBA came alive in debates over the rights and freedoms to which women and girls are entitled, and (as CRC orientations had not done) welding rights onto axes of discrimination and exclusion. Lying behind social disconnection was a fierce, determined resistance to acknowledging different forms of discrimination, even a denial of their existence. Objections immediately shot up in every training when gender discrimination was first raised. One doctor in Sindh, for example, argued that he had:

... never seen any family where boys are getting more food than girls or better health! I've never seen girls sick or ill being ignored! If a family has resources I've not seen any not admitting girls to school...

Debate usually flared up amongst participants themselves. In this case, a paediatrician responded that his daily patients were mostly boys and very rarely girls. Another male participant added that in parts of Sindh, girls are not given meat because they will grow

too quickly, meaning – a core dread – “that they will become too strong, sexually out of control”. In this debate in Sindh, one man (Dr Syed) was particularly proud of being “an international level” gender trainer but objected to any discussion of gender discrimination:

The point is that development benefits haven’t reached the poor in any country! Huge sections of society have no access – why are we talking about discrimination against women?

In every training, denial of gender discrimination was graphically, often brutally, contradicted by role plays which differed from plenary discussion, group work, and even interviews, by allowing counterparts to drop their formal roles. Participants were given an open field to portray “one form of gender-based discrimination (as a man or woman) you have faced yourself, practised or witnessed”. In the training in Sindh alone, for example, all three role plays depicted extreme (but far from unusual) violence and the sheer powerlessness of women. In the first role play (echoing the case described in Chapter 4), participants portrayed a Baluch man coming before the *jirga* (tribal court) to demand justice for the killing of his brother; as is conventional practice, the *jirga* compensated him by handing over possession of two women from the ‘offending’ tribe. The second role play showed a man killing his wife for disobedience; to save his life, the case was described as an ‘honour killing’ for which he would receive little, if any, punishment. In the third, less violent, role play, a man asked in a doorway “is anyone there?” Two women inside eventually replied “no, nobody’s here”, because women have been taught since childhood “that they’re nobody”. Role plays in other provinces typically portrayed other forms of conservative, extremely discriminatory norms and Traditions, such as forced marriages of young girls and baby girls dying through neglect. They depicted *karo kari*, a practice still common in rural Pakistan particularly, which results in killing any man or woman believed to have had an illicit relationship for bringing dishonour (Zahid, 1997). They also concerned more everyday forms of discrimination – the existence of which had usually just been under dispute – such as girls not being given the same health care and education as their brothers.



Participants – mostly women but sometimes men – also spoke outside the sessions about discrimination from the perspective of those who experience it. One counterpart, Shakila, was involved in training of police. She said she was told by policemen that violence against women, including ‘honour killing’, is women’s fault: “They don’t carry themselves properly; they should stay at home and not do Western practices”. A doctor (Dr. Abdul) described his work on a women’s health project and the basic problem that “women don’t have decision-making power”. Outreach staff tried to ensure that a sister or mother was ‘given’ the authority to decide when a pregnant women urgently needed to go to hospital; usually, however, women needing emergency treatment “have to wait for evening when the husband returns”, when it was too late. Women would pay a heavy price for leaving the house without permission. Another doctor (Dr. Noureen) described a typical case she had dealt with the previous week, treating a 19-year-old Pashtun woman who was five months pregnant. The woman begged to be admitted to hospital and said her husband was beating her; her body was covered in large bruises consistent with being whipped with a hosepipe. The reason for the violence was that the woman went to her mother’s house without permission. She begged the doctor not to tell her in-laws that she had asked to be admitted, for she would be beaten more. The doctor tried to persuade her relatives to admit her and warned that the baby might die, but they took her away. For this doctor, little was changing in the current generation and the “most depressing aspect” was that women were playing a central role in violence and discrimination:

The mother-in-law brings up her son ... women are doing all this to women. All these women complain of the mother-in-law and when they become a mother-in-law themselves, they do the same.

An-Na’im (2001) argues that types of legal protection – including customary mechanisms – need to be developed which are most capable of redressing the kinds and scope of violations most frequently suffered. Counterparts’ discussions and role plays, like the group work discussed in Chapter 5, indicated a problem prior to addressing violations. They indicated that the kinds of violations frequently suffered are scarcely seen or recognised, even amongst development professionals. Violations were denied or – where acknowledged – responsibility was pushed away, often onto religious norms. Religion is

continually inferred in justification for restricting women's movement, or for other exercise of power over them. In 1999, for example, the military government had declared 'honour killing' to be murder; in a discussion in the RBA process, a staff member of a multi-lateral development organisation defended killing of women who have dishonoured the family as honourable, "not murder", with honour lying in its religious sanction. Counterparts' stories and role plays depicted how rights and an actual agency role are undermined by conventional roles and perceptions, which are intensified where "the underdog comes to accept the legitimacy of the unequal order and becomes an implicit accomplice" (Sen, 1990:126; see also Jeferry, 1979 and Donnan, 1998 on *purdah*). The power and motivation to challenge devalued status is an essential first step towards agency, and rights can be a particularly powerful force for challenging versions of personhood trapped in hierarchical social relationships (Kabeer, 2002). Role plays, private interviews, group work and discussions all pointed to the importance of people themselves facing evaluative questions. Such questions, Sen (1990:127) argues, means confronting "unquestioning acceptance of certain traditional priorities" and asking whose interests they serve.

At the slightest opening then, extremely serious issues of discrimination would flood out of participants' direct experiences, yet in public discussion the most seemingly mild challenge to gender relationships became explosive. In the same training in Sindh, for example, many male participants were furious over a discussion about women's mobility, demanding to know what the trainers' agenda was and whether they were suggesting that women and men should travel together (rather than the slightly less challenging idea of special transport for women). The discussion ended with a senior participant – older, male, from Government – storming out of the room declaring '*purdah zuroorit hey!*' (*purdah* is essential). In almost every discussion of this kind, the debate remained on the threat to women's honour – and therefore men's honour – by increasing women's freedom. Debate had to be wrenched towards analysis of power relationships (including the role of women in perpetuating discrimination) and their common manifestations, such as violence. Iqbal Sahib was one of the few men who stripped the debate back to core

issues of power, but even he did so in abstract, innocent, depersonalised terms of “pillars of society”.

Women, by contrast, tended to indicate a living connection with rights, and themes such as gender equality. They tended to describe their “experience as affective and their knowledge as grounded in specific relations” (Bell, 1993:6). They were far more expressive about, and in touch with, the ways in which society, culture and religion restrict them. Many women were strikingly more eloquent about power relations in the questionnaires than they were in public, particularly in group work, where (many argued) they were suppressed or had censored themselves. Just as Iqbal Sahib showed different facets in public and private, questionnaires further demonstrated that space is never neutral; public spaces particularly “may come to be infused with existing relations of power, reproducing existing relations of rule” (Cornwall, 2002:52; see also Fenster, 1999; Nussbaum, 1995). In their homes, many women claimed, they were even more suppressed. A group of female counterparts in Baluchistan, for example, spoke about the tension between their public lives, as senior professionals, and their private lives, where “all men are dominating” and “want their wives to be stupid”. One woman had married a cousin late in life when she had already established a career. She spent as little time as possible in their home in Sindh, where she was kept in *purdah*: “Even though he’s a doctor, he’s not enlightened ... we’re not the same people with our husbands”.

Many other women wrote about restrictions families place on their lives and their rights. Restrictions included, for example, “obstacles to gain inheritance from my brother” (Q. 22) or, even for professionally senior women, restrictions on their mobility (Q. 25, 71, 73)<sup>34</sup>. One counterpart wrote:

I am trying to make my family know what is the right of sister, brother, mother, father and husband and wife. I am trying to convince my husband of my rights and his rights; in this regard he got angry so many times. – Q. 14

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<sup>34</sup> The Government acknowledges through the Participatory Poverty Assessment (2003) that mobility for women is so restricted that, for example, in Jacobabad in Sindh “a girl going out on her own could be beaten or even killed” – PPA, 2003:118

Women in authoritative positions (for example, the director of a college) wrote of restraints on their public roles: “For woman in society it is not considered so good doing things that men are supposed to do” (Q. 71). Like the women in Baluchistan, those in other provinces were “keeping a balance in work and home” (Q. 25). In one, “no man likes to work as a subordinate to a woman” (Q. 52), and in the other, they were forced into “keeping a low profile at home in spite of high profile at work” (Q. 25). Some women recognised work as a ‘conditional’ right (“I’m allowed to work” – Q. 71). Others critiqued, but indicated acceptance, of prescribed social roles; one for example ended her description of violations of the rights ‘given’ by Islam with: “there are some differences about physical structure and qualities of man and woman which help to keep the society balanced” (Q. 71).

Several women in interviews, some months after each training, claimed that the training had enabled them to become more assertive in their personal relationships, and (usually to a lesser extent) in their work. One woman (Seemen) spoke passionately about a clearer understanding of an ‘inherited’ idea of rights – ideals she had always heard of but never thought about practically. Rights were now impacting on her work through a strengthened, more practical understanding that children with special needs hold a practical right, and against whom. She also spoke of some rebalancing of her relationship with her husband, as a result of the training. He had acknowledged “there’s a big change in you after that”. She argued that “psychologically we’re trained on this line, we have to respect the husband, obey him and parents – if I take a stand I feel guilty”, but she was now more confident in negotiating her rights with her husband, particularly through arguing on the basis of Islam.

Many women, even those who were professionally relatively senior, were starting with very low expectations about their roles in decision-making in the family and society. One female participant (Dr. Najam) admitted, startlingly, that she had never thought before about women participating in decision making. Now, she said, there was a change from before when “I always thought it was not necessary for women to take part in decision making – now I think it’s very necessary”, otherwise the rights of children and women “will always be violated by men who do not care”. Dr. Najam also discussed

readjustments in her relationship with her husband. For her and for others, re-examining passive roles with husbands followed from a new understanding of gender issues as essentially being-in-relationship rather than a static position (putting food in hands of the 'lower segments' or the 'needy individuals'). Even for one counterpart, Sarah, who was a gender focal point in a large NGO, gender issues had meant an isolated focus on women "to uplift them" within an unchanged society. During the training in NWFP, she kept asking for follow-up support because she had experienced a long, bruising battle trying to embed "the gender approach" in her organisation, a more complex version of which was only one aspect of RBA. For Sarah, a more integrated understanding of gender relationships within RBA was particularly useful for dealing with the backlash which always came from men. "Gender people", she said, talk about women's rights "a bit, but not very openly – if they do men become resistant". If they talk instead "about *everybody's* rights men are more comfortable".

For Sarah as much as for women in their family relationships (and for the dynamics within the training), the real issues surrounding gender equality and discrimination were obscured behind the immediate, immense challenge of managing – and, to a large extent, appeasing – men. Seemen, for example, spoke as other women did, of her husband's refusal to do anything for himself and his constant outbreaks of anger. Anger, as shown in an extreme form in the 'honour killing' role play, was a recurring theme in women's narratives. It surged up in discussions in the gender session where men often admitted that it was the only emotion they were permitted to display and their only emotional breathing space. Anger was often triggered by discussion of gender relations, where women are "central to the political and moral imagination in Muslim majority societies" (Mir-Hosseini, 1999:ix), and was celebrated in ideas of manhood (including in repeated group descriptions of the 'ideal man'). It was often triggered by the interplay of religion and gender – where almost any reference to gender had a basis in Islam, and where religion, as one trainer argued, "is a very delicate, emotional thing for most people – it's easily misused" (Dr Abdul).

In the RBA process, many men reacted with anger to any discussion of gender discrimination or changes in social relations (which was one indication of the resistance

shooting up against a rights agenda when it moves beyond a formal approach). As Iqbal Sahib did, many men indicated an underlying anxiety about order over disorder, and (very personal) potential loss of power. For many men in questionnaires, gender discrimination was an issue to be limited to women's work, rather than to their basic status. Questionnaires suggested mild alignment with gender equality amongst some men, but public discussions would repeatedly challenge any level of comfort at all. In a discussion around male-dominated, money-centred definitions of work in Punjab, the trainer (Sharif) pointed to a claim in the 1982 Census that only 2% of women in Pakistan are working and asked "what are the other 98% doing?" There was a flood of protest from men. One argued that "women are not usually paid as much so what's the use?" and another that "certain functions are naturally women's ... we should accept a natural phenomenon!" Counterparts listened attentively, evidently concerned, to gender statistics on South Asia ("the worst in the world"). Many, however, were clearly threatened by the slightest questioning of roles and relationships so deeply entrenched in their immediate, personal realities, and so strongly contrasting with a normally depersonalised, detached development mode. In Sindh the same debate shifted from a 'natural phenomenon' to reproduction as a social construct, and to the invisibility of many women working in the informal sector and agriculture. A doctor exploded: "Does any country pay women for domestic work? You're putting up that women's work should be paid – the whole session is saying this!" The trainers (Tariq, Dr Abdul, Aysha) responded that the issue is not simply whether women should be paid or not but unequal opportunities and recognition. Another participant (a UN consultant) then revealed the same core issue troubling Iqbal Sahib: "If we deal with questions that change responsibilities, after 15 years there may be anarchy, no-one will be taking responsibility ..."

By denying that gender relations having anything to do with development, participants were effectively resisting the possibility of social change. As Sharif said of session 4 of the training, "if you conduct the gender session and there's no confusion, then there's no impact". There was always confusion. However, interviews suggested that most men – in contrast to effective trainers, and to Suleman, discussed in the following chapter – had either not grasped the implications of gender equality and other inclusive dimensions of RBA, or had taken a look and swiftly retreated into safer ground. By the Sindh training,

trainers responded to deadlocks in gender discussions by asking participants to list sources of power (politics, finance, land, education, physical, class, race ethnicity, religion) and analyse who dominated each; every one was overwhelmingly male-dominated. As Iqbal Sahib indicated, and as open discussions and group work masked, the bottom line was not lack of understanding of extremely unequal power relationships. It was denial (as in the PRSP) of development as being connected to these relationships and having an interest in changing them.

Many participants had then retreated into a dominant approach to gender discrimination in Pakistan, and one also followed by many RBA trainers, which was indicative of their understandings of rights, and of the extent of change they desired. Gender was a focus because “we need to give women a chance to catch up” – or as the participant who had described “the weaker sex” also wrote in his questionnaire, “all the time one has to think what method should be adopted that women become helpful in development” (Q. 64). This approach carried a strong undercurrent of blame and a refusal to acknowledge power relationships. It carried into almost every discussion, of blaming the mother rather than the decision maker for the illness of the child, or the woman for the loss of honour (and therefore for the violence that followed)<sup>35</sup>. It guided the kind of programming indicated in Chapter 5, where services are laid on and people’s freedom to access them is essentially a ‘private’ matter. Blame was linked to an underlying sense of powerlessness against authorities but at the same time to a threat of disorder and chaos (from the uneducated, from ‘Westernised’ women) if that authority were challenged. Blame was therefore linked, along with the reaction to RBA, to a threat to the social order. Such a threat – Jeffery (1979), Kandiyoti (1998) and the spokesperson of Orthodox Islam, Maudoodi (1962), would argue – is constructed around the need to control women and their ‘honour’. Such control scales up into a “serious misunderstanding of the notion of freedom” (Dalacoura, 1998:46, 57). Rather than creating rules to enable the individual to be protected from abuse, individuals are protected from each other through separation and rigid moral prohibitions:

This lack of faith in the innate goodness of the human person and in his or her capacity for responsibility and freedom is typical of a traditional religious ethic which – as in other interpretations of monotheistic religions – relies for its proper functioning on the fear of God and the threat of punishment. In this respect it is profoundly anti-humanistic. – Dalacoura, 1998:58

As Iqbal Sahib indicated, breakthrough in ‘ways of seeing’ linked with some breakthrough in what individuals admitted to themselves.

Questionnaires, discussions, group work and interviews therefore demonstrated that participants viewed their relationships with family and society in very different, heavily gendered ways: as givers or receivers, as heads of household and guardians, or as those whose rights have to be constantly negotiated. Whether participants saw themselves as embedded in human relationships or suspended slightly above, controlling and observing, seemed to be critical as to whether they saw development in predominantly human or predominantly technocratic terms. It was critical as to whether development was grounded in social realities and relationships – and therefore whether its goal was changing both – or targeted towards an (economic) abstraction suspended above society. Those who were clearly relationship centred were usually women, not only on experiences of rights but on the relationships through which development is carried. One woman (Q. 25) carried her personal experiences into one of the clearest wider social analyses of any of the questionnaires:

Men have a dominant role in Pakistan society and they are the decision makers. Women have a subservient role which marginalises them in the mainstream of development, imposes curbs on their mobility and access to opportunities.

Significantly, she was therefore one of the very few participants who was able at the outset of the training to convert experience and analysis into a description of what RBA – and particularly themes of inclusion and participation – might mean in practice for her work:

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<sup>35</sup> Even for one fiery colleague of a counterpart (Sajid) who was almost alone in a male environment and claimed to be committed to gender issues: “These gender things”, she said, “are basically the idea of DFID and the British Council and have been left incomplete”



The programme should eliminate gender discrimination and should be gender sensitive. Should provide equal attention to women, children and men. There should be community participation at all stages – planning to implementation.

All aspects of the RBA process therefore suggested that many counterparts (particularly men) were involved in a development enterprise of mechanical ‘tinkering’ which floated above and gave instructions to society, rather than being entrenched in social realities and a transformational agenda. They indicated that an idea of rights, and related ideas such as accountability, could not be practically meaningful where ways of ‘relating’ were unchanged. Participants (particularly men) were comfortable with the notion of ‘providing’ rights in their private and social lives. However, discussions and group work particularly demonstrated that ideas of duties, responsibilities and obligations were, for most, left at the door when they assumed their professional roles. Concepts related to rights, including the principle of accountability, therefore struggled to reach beyond the well-established habit of ‘giving’ and ‘providing’. They struggled to reach towards a political dynamic between specific individuals and communities (particularly those whom participants did not want to see) and specific individuals and institutions. Accountability, like participation, was then typically scattered through group work presentations but in a depoliticised sense, paralleling Mick Moore’s (2001) critique of depoliticised ‘community empowerment’. Often, accountability was entirely evaded, as was demonstrated by one example of group work, which was dominated by a self-described “expert” and “International level gender trainer” (Dr Syed). He described a project to address sanitation in which women set up a kitchen garden (a contained and unthreatening activity designed not for “the women who are protesting on the street but just the women who are aware”); as participants pointed out this placed the entire burden of responsibility on women and the aspect of accountability was entirely missing.

Participants were asked to analyse critically the ‘enabling’ framework of the state as well as the power structures of the community and family, to ask:

Who don’t we see? The neglected, the people who have least power ... the realities of a woman who can’t leave the house without the permission of a man. – Aysha

Once the barriers of an 'external agenda' had been breached, floods of critiques always came from participants about the failures of planning, and particularly of development based on serving the interests of the powerful (for example, building a law college, the lowest priority of a community in extreme poverty – Rukhsana). As with the trainers in Chapter 5, however, group work demonstrated that participants were not used to linking development planning upwards or downwards into institutions or power relationships. As with the trainers, group work amongst counterparts would dwell on numbers and whether facilities exist. It would pursue a 'physical improvements' or service exercise, carrying a one-way relationship between the 'giver' or 'deliverer' and the 'receiver'. Groups rarely volunteered deep questioning of aspects of obligation linked to that facility, its location and accessibility, or dimensions of participation and barriers of access surrounding it. Group work also reinforced a Government-NGO divide, with government solely providing an immediate service and NGOs either acting as servants of Government (for example, mobilising or counting) or as a parallel, separate structure. The divisions and lack of analysis were illustrated by a group in Sindh. It responded to non-enrolment of children from religious minorities by setting up parallel evening classes for 'non-Muslims', thereby absolving the state and other stakeholders from any responsibility (and at the same time, particularly for a collection of 'experts', revealing a very limited understanding of RBA; as one member of the group pitched in at the end "the community have been involved – that shows we've put RBA in action!"). The group brought some relief to the immediate problem but not to the underlying rights issues, which they did not give any indication of having seen.

Groups' programmes then tended to be either dominated by Government or entirely community-focused, conceived separately or parallel to the state. They also continued to depend upon vague undifferentiated labels like 'poverty' (which, when probed, was defined by income) or the 'community'. In Punjab there was a noticeable difference in the quality of analysis, partly because some trainers were becoming increasingly effective; many of the most influential participants had also already had some exposure through trainers to RBA ideas and applications, and district actors were becoming enthused by the opportunities offered by devolution. The group working on enrolment of

children of religious minorities for example did not, for the first time, take a mechanical service-centred approach. They did attribute the core problem to income poverty, but they strongly anchored their programme in the social and economic situation of minority groups, in gender relationships and other factors of exclusion, and in non-implementation of policies and other aspects of accountability.

All aspects of the process suggested – as Iqbal Sahib did – that elements such as inclusion, participation and accountability jarred at the threat of redistributing power. They indicated, at the same time, that an approach that does not centralise power will be superficial. Ideas of inclusion, participation and accountability were caught in a contradiction between the ideal of an equal, virtuous Muslim society and an extremely unequal, discriminatory reality, both of which were constantly summoned into the debate. A socially disconnected idea of equality was familiar and popular, but applying the concept of equality to society was far more political and conflictual. As one colleague (Dr Malik) argued, if asked if all human beings are equal, religion ensures that everyone has to agree; if asked if men and women are equal there is a serious crisis. Gender relations start from a particularly emotive reference point, welded onto the critical importance of the family and backed by text-based assertions of difference (which are usually interpreted as inequality). The contradiction, Shaheen Sardar Ali argues, reflects an Islamic legal tradition which propounds equal worth and equal dignity of the human person rather than the phrase equality of men and women (Ali, 2000:278). Beyond the confines of the kitchen garden, as Iqbal Sahib confirmed, participation, inclusion, accountability or a strong sense of empowerment (as “visibly making more powerful” – Moore, 2001:324) created images of social insurrection and destruction.

There was therefore always a notional link between religion, equality and the duty to give (‘if we listen to religion, we have to *give* women their rights’ or ‘give the poor *zakat*’) but an abrupt disconnection with related ideas of autonomy, empowerment and the entitlement to claim rights. There was uproar with any suggestion that ‘charity’ (exemplified by the institution of *zakat*) was different from rights. Many questionnaires at the end of the training re-stated a one-sided relationship of giving (for example, “such

a need that others admit and are willing to fulfil is called a right” – Q. 59). Some questionnaires, however, pointed out that giving and receiving are interdependent, for “what can we give to others when we don’t get rights?” (Q.b 11). Equally as one woman, a lawyer, argued, “we have to claim our own rights first, then we will respect others claiming theirs” (Fatima). Only one (female) participant stated a clear grasp of a right at the beginning of the training, as “a claim which is to be protected, fulfilled ... inalienable” (Q. 24)<sup>36</sup>. Many questionnaires at the end suggested that the idea of a claim had become widespread but as little more than another slogan. In one questionnaire, the difference between rights and needs was described with: “there isn’t much difference ... as soon as you hear about rights you have a right to claim it” (Q.b 6). The questionnaire demonstrated not only the emptiness of the idea of claiming, but also why it might be so unbounded and threatening. Where, if at all, participation entered questionnaires or group work it was mostly confined to after decisions being made, not to understanding the situation and perspectives of the poor, nor to changing status, capacities and power beyond (occasionally) the ability to access a service. One questionnaire, for example, described the steps of programming as:

Study the area and programme being chalked out to see what the needs are. Determine the programme according to needs. Involve those people who could be a help in achieving its goals. – Q. 43

Many participants and trainers commented on Government’s fear of more participatory, inclusive, accountable development. For Sharif, for example, “Government isn’t interested to mobilise civil society – why mobilise? If I’m aware I can take my rights”<sup>37</sup>.

For most participants, questionnaires, discussions and interviews suggested that analytical obstacles were not only due to lack of skills, practice or habit, nor only to feelings of disillusionment, futility or powerlessness. As Iqbal Sahib described, a change towards more critical analysis, embedded in a social context, could later settle in, if less

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<sup>36</sup> Dr Rosa, the only Christian in the process who had feared polarising of debate

<sup>37</sup> Similarly, the Participatory Poverty Assessment (Government of Pakistan, 2003a:92), for example, found that: “The landlords do not allow development schemes because poor people will benefit and may develop their own status”.

so the willingness to act upon it. There were many, along with Iqbal Sahib (for example, Feroz and Sajid), who subtly conveyed deep resistance to engaging with social change, and to acknowledging obligations which would convert that change into a responsibility. On the one hand then, participants expressed frustration with planning being distant from reality and there was much openness to broader assessment and analysis, particularly with the opportunities for more grounded planning arising through devolution. On the other, there was wariness of more political approaches to development and their untold implications for the status of women, and other groups excluded from power and decision making, and no less for the status of those whose power would be diminished.

## **7.4 Conclusion**

Iqbal Sahib personified the tension between centralist and pluralist approaches, and the complexity associated with change and willingness to step into chaos (in his terms of *ijtihad*: taking the fight into oneself). He pointed to barriers of interest and power which shoot up to obstruct even a formal approach to fulfilling rights. Meanwhile, a formal approach itself – because it does not explicitly acknowledge or scrutinise the operation of power – does not recognise or tackle those barriers. Iqbal Sahib demonstrated change between the public space of the training, in which he personified the status quo, and the private space of an interview several months later. Some of his acceptance may have been of the artificial kind he attributed to others (although his pioneering of RBA training in his Province suggested it was not). The main change, however, lay in stripping back through a formal, bounded approach to development and rights into a more personal, critical, power-centred perspective. He moved past assertion of norms and rules to the interests lying behind the assertions. His very different public and private responses indicated the tensions existing within and amongst individuals – between public (juridical, authoritative) roles and private, familial roles, between saying one thing and, consciously or not, embodying another.

Iqbal Sahib demonstrated that ‘culture’ is not a bounded unit. Treating culture as bounded and undifferentiated may lead to “unthinking tolerance”, which can condone

behaviour violating rights (Windsor, 1995:181), and assume that apparently shared practices and meanings are actually shared (Ackerly, 2000). Critical toleration, by contrast, means respecting the beliefs and values of others but critically evaluating the social norms claiming to express such values and beliefs (Windsor, 1995:181), along with their likely reflection of particular hierarchical relations:

All cultures depend on translating certain underlying values into the norms of social behaviour. For the most part they promptly proceed to confuse the two; so that any criticism of a given social norm is regarded as an attack on the values which it is supposed to represent. – Windsor, 1995:186

Norms are used to construct walls of ‘Tradition’ as “frozen movement” (Sweetman, 1995:2). They are context-specific and contingent but, in Muslim contexts especially, assume the “status of the eternal” (Khundmiri, 2001:142; see also *Women Living Under Muslim Law*, 1995). One Pakistani Muslim, for example, is quoted as identifying norms and values by declaring:

Those who think of reforming or modernising Islam are misguided, and their efforts are bound to fail ... Why should it be modernised when it is already perfect and pure, universal and for all time? – Kurzman, 1998:4

Norms related to control were strongly asserted within the RBA process. As Ali (2000) and Khundmiri (2001) argue, no more than one tenth of the verses in the Qur’an deal with organisation of human society; the number of traditions which have been developed are therefore far out of proportion. No more than six verses out of 6,660 endorse gender hierarchies (Ali, 2000:43; An-Na’im, 1990:171) but those verses are used with overwhelming impact on social relations. The RBA process indicated that aspects of Tradition related to empowerment are locked up in the distant space of ideals (‘we’ve always heard about *haquq* [rights] but never thought about them – not that that they did something practically’). There was little understanding and discussion of gender discrimination and other forms of inequality, in comparison with the regular assertions of equality. As role plays demonstrated, gender inequality was repeatedly the force which exposed the gap – for those willing to see it – between social reality, norms and values.

In a formal rules approach, the idea of rights slides into a hierarchy of 'givers' and 'receivers' which is illustrative of wider forms of existing power relations (and of resistance to changing them). For a minority, the essence of a rights framework was firstly in extracting ideas, which have powerful organic value, from those who claim the power to interpret them; it was, secondly, in practice, in the political (rather than technical) process of *applying* those ideas in ways which will impact on (rather than only fit within) underlying relationships. The dominant narrative, which rose up in every training, tended to be based in norms (usually injunctions drawn from religion) which are meant to be expressions of underlying values (Windsor, 1995). It was asserted by those who elected themselves as gatekeepers of Tradition, and was increasingly challenged by those who began to look beyond the norms and rules being asserted (for example, how women should behave) to reconnect with core values (for example, the central notion of equality in religion and culture). In a special evening 'clinic' on religion and rights during the RBA process, a colleague argued that religion is misquoted on a vast scale; the essential problem for discussion of rights in a Muslim context is that people select bits and pieces of religion, taking parts out of context rather than reading it as a whole. This interchange captured some of the tension running through the process between vision and injunction, which was at the heart of many of the dilemmas over rights and RBA. It pointed (as Iqbal Sahib did in private, and as all aspects of the process did also) to a fundamental division. The division lies between those who stress enforcing the rule, and those who go back to the vision or value, and therefore continually examine and challenge what, and who, is behind the rule which is meant to represent the vision. Some counterparts, as will be discussed further in the next chapter, used rights and RBA to claim the authority and legitimacy to make those challenges. They used rights as a tool for prizing open the discussion and for critiquing those with power through ideas that had power over them. Rights were used in debates between Tradition and change; they were caught up in people's multiple roles, identities and allegiances, and in their deep reservations about where development was going (each of which would arrive at some point at an issue of power). Rights were used to prize open contradictions between, on the one hand, the ways in which Islam and 'culture' are used and, on the other, the claims continually made about what they stand for. It was in these opening, as Iqbal Sahib

suggested, that an idea of rights particularly began to fit, to reach beyond formal authority and to acquire real power.



## Chapter 8: Operationalising RBA

### 8.1 Introduction

This chapter explores issues that arose within the RBA training process, and in interviews several months later, around operationalising the approach. It turns to actors, in their own environments, the structures within which they were engaging, and the ways in which they are engaging with them. This chapter particularly explores the growth of more active, politicised roles amongst development actors, in contrast to those who were interested in an approach that might make the structure more efficient and ‘clean it up’, but without deeper change in relationships. A divide is uncovered, which relates to the running tension between formal, centralist, rules-based positions and interpretive, pluralist, actor-oriented processes. Following the training, most counterparts were, at a minimum, critiquing development from a different perspective, but centrally differed in *whose* perspective they were critiquing from.

Operationalising RBA, as Chapter 5 indicated, is in large part a ‘way of seeing’, and what is seen is largely determined by the political perspective from which actors are looking. Brocklesby and Crawford (2004:13) argue that RBA is operational “when a focus on the causes of inequality became central to the way of working”. Donors may decline to acknowledge politics and power, but this chapter explores the extent to which operationalising RBA has political and power-centred implications. Questions about development relationships do not only lie ‘out there’ in the field of programming, but also run between and amongst donors and counterparts. Exploring RBA in practice, as this chapter will examine, highlights the tension between donors’ commitments to a rights agenda and modes of operating and raises challenges about supporting less controlled, more politicised, longer term change processes (Eyben, 2002; Unsworth, 2001-3; IDS, 2001; Brocklesby & Crawford, 2004).

Previous chapters indicate a need to pay greater attention to, and to situate, the actor as a ‘whole’ person, not only as the holder of technical capacities to deliver bounded development outputs. The actor is central to the issues explored here. Many counterparts

involved in the training process on a Rights-Based Approach (RBA) were in strategic Provincial or district positions (for example, a District Education Officer within boundaries containing up to a million people, or Tehsil Municipal Officer, the most senior official responsible for Government programmes for around 100,000 people). All aspects of the process indicated that even these individuals were not entitled 'to discourse', to significantly contribute to defining the concepts, categories and ideas through which development is pursued<sup>38</sup>. All aspects of the process demonstrated that development is not a shared agenda but a deeply divisive one, in which many actors are uneasy, and institutions are non-committal, about what they are nominally trying to achieve. The RBA process indicated that counterparts are required to say certain things about, for example, participation in the Poverty Reduction Strategy Paper (PRSP), or the 'top priority' of educating girls. However, group work, discussions and interviews all demonstrated a misfit between what is said, what is practised and what is believed. The misfit and unease – as Iqbal Sahib indicated – significantly come down to relationships and power, to who is entitled to have, to do and to be, what. The RBA process therefore demonstrated a gulf between many development goals and commitments, and the expressed ideas of those who centrally mediate development concepts. Literature on RBA (for example, UNICEF 1998) meanwhile tends to focus on the goal, the rule, the standard or the instruction and its impact 'out there' on the 'targets'. Development partners are treated instrumentally, as the RBA trainers initially were, as vessels expected to implement in predictable, linear ways, and less as actors in their own right entitled to inform and transform the discourse.

The voices drawn on in the chapter tend, more than in other chapters, to be illuminating rather than representative. Issues around operationalising RBA were explored through observation and informal interviews throughout the process, and through in-depth, formal, semi-structured interviews several months after each training event. Formal interviews were limited by security and evacuation (discussed in Chapter 3), and those that were carried out aspire to be exploratory rather than representative. The main figures in Chapter 7 and this chapter, Iqbal Sahib and Suleman, are selected because they

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<sup>38</sup> This conclusion was confirmed by a rush of Government and donor activity to address absence of programming skills for devolution, through which the role of 'planner' was moving further

responded to RBA in particularly interesting and significant ways. Iqbal Sahib pointed to barriers around ideas of rights and RBA, and was thinking about applications; Suleman illuminated issues around applications at one interpretive end of a spectrum of responses. Particular trainers are also highlighted. Sharif, for example, pushed boundaries in thinking about, and applying, RBA; although he was not alone, he was frequently the most visible and audible trainer. Unlike many other trainers and counterparts, he was in a position in which he could apply his ideas, and was significant because his more politicised approach was the one stimulating most demand amongst counterparts. Individuals like Suleman and Sharif were therefore few in number; they are cited not because they represent the middle ground but because they were at the edges.

Other chapters are grounded in several methods, including observation of an interactive process. This chapter also draws on those methods but relies, more than others, upon what individuals say they are doing rather than what they are observed to do (including, in Suleman's case, speaking on behalf of groups of women). What key informants said, however, was in many instances verified by colleagues, and by other indicators such as the increasing willingness of organisations to offer members of staff into the RBA process. More generally, what individuals say carries within it indications of change and movement, particularly in relation to positions dominating in previous chapters. In the absence of a core centralising formula, and with a growing focus on the actor rather than only the action, what individuals express about their thoughts, beliefs and practice becomes at least as significant as their activities.

## **8.2 A spectrum of responses: from whose perspective?**

Trainers and counterparts described a wide spectrum of practical responses to RBA. Some counterparts, at one end of the spectrum, understood RBA as a particular package of knowledge containing 'the word' of the Conventions. Some were therefore actively transplanting sessions from the RBA training package and following a formal 'rules approach', emphasising, for example, the particular rights that children have to be given because Pakistan has ratified a Convention. They were interested in, and often indicated

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down the hierarchy into newly empowered district and sub-district institutions.

strong commitment to, concrete outputs. They did not demonstrate questioning of the relationships or structure through which rights are ‘delivered’ and ‘received’ (or withheld). At the other end of the spectrum, trainers and counterparts were interested in RBA and its applications as a means towards structural transformation. A central channel for this understanding was challenging planning as a process which, as counterparts repeatedly argued (see, for example, Chapter 5), reflects and promotes the interests of the powerful (Fenster, 1998; Paris, 1982; see also Foucault, 1977). Effective trainers were approached, after each training, by participants and their organisations. After one, for example, Sharif was contacted by more than a third of participants for follow-up support. He was training Government and Non-Governmental Organisation (NGO) staff on “reality based planning” from a rights perspective, which he understood as overtly political and particularly concerned with “addressing exclusion and deprivation”.

What counterparts were thinking about RBA did not necessarily correlate with what they were able to do. Government counterparts particularly were on stony ground, constrained either by choice or circumstances from affecting change. These counterparts, like Iqbal Sahib, often demonstrated new thinking but argued that they were powerless against the system; within Government, influence required access to planning decisions and some counterparts were adamant that they could not individually influence change beyond orientations for colleagues and “rewording documents” (Ali). A minority of individuals had the freedom to innovate. One NGO-based counterpart, Suleman, was understanding RBA – from the perspective of those with little existing power to operationalise claims – as a framework for analysing, negotiating with, and carefully challenging institutions to be responsive to, and accountable for, people’s claims. His sights were less on particular rights and outputs than a vision of transformed institutions and individuals’ transformed relationships with them. His NGO already had a stake in promoting the political participation of women through the devolution process. The strategy and capacities he was trying to develop made political participation and other spheres of programming less of an event, and more of a long-term process, integrated with the fulfilment of other rights and an altered, more confident and assertive relationship with institutions.

The most basic form of operationalising RBA, and the foundation for other forms, was ‘ownership’ of the ideas, which extended – amongst a minority at one end of the spectrum – to experiences of ‘internalisation’. The immediate, dominant reaction to RBA throughout the process was that it was an ‘imposition’ of ‘the West’, which threatened to undermine ‘our social structure’, ‘our values’ and ‘our religion’. Many trainers, drawing on their own initial responses to a rights framework, argued from the beginning that a key barrier was ownership, of a “problem coming out that the UN is American” and “resistance about ideas being imposed” (Tariq, Aysha). All aspects of the process indicated that development was caught up in an ‘inside-outside’ dichotomy: rights, for example, are simultaneously ‘the food of America’ and part of ‘our religion’. Development goals (most visibly, those impacting on the status of women and girls) were part of a perpetually shifting list of donor agendas which threatened deeply cherished social relationships and hierarchies, and fuelled the language of ‘outside’, ‘imposed’ and ‘alien’. Trainers had to reach beyond assumptions about an over-riding, superior international human rights regime, and rights as ‘the food of America’, to connect with rights as part of ‘our religion’ and ‘our values’. In interviews – however “artificial” the acceptance may be (Iqbal Sahib) – counterparts were significantly less willing to dismiss the content of RBA, particularly ideas such as equality which had established a connection with Islam.

Interviews reflected challenges set by trainers in trying to promote internal critical analysis, and to overcome the boundaries behind which individuals were confined in particular ways of seeing and in roles as ‘only implementers’. Trainers tried “to move on from focusing on past attitudes, on what others have or have not done, to focus on the future and what we believe we can do” (Aysha). They tried to move from disillusionment with institutions and organisations – as Sharif would disarmingly announce of the UN, “Yes, it’s useless!” Many counterparts faced immense obstructions in what they believed they could do, but the debate had shifted from the ‘external agenda’, or powerlessness and futility, towards focused criticism of institutions and the barriers these erected to change and innovation. The debate had moved from a sense of powerlessness against “the two decision-making forces in Pakistan – God’s will and the evil eye” (Aliya). Those who were wary about change from a rights perspective were,

like Iqbal Sahib, more open about wariness over dismantling existing hierarchies and their place in them.

The first form of operationalising RBA was therefore expressed in critical analysis of the development system and of society; it was expressed in individuals having repositioned themselves in relation to a structure, and in their acknowledgements of the value of change and the possibility of a more active role in bringing it about. Interviews suggested considerable impact, as Iqbal Sahib indicated, in challenging and altering partners' visions of development, at the least moving the terms of the debate from rejection of 'external agendas' to discussion of the power and interests underlying resistance to change. Partners, like Iqbal Sahib, were therefore subtly operationalising RBA as much in acknowledging the value of deep-rooted change in development, a social structure and relationships, and in centralising themes of inclusion and participation, as in activities (which he was also pursuing) such as training colleagues in the approach.

There were many critiques within the training of the system or the authorities, but they were not active ones connected to counterparts' roles. Critical analysis expanded from that evident in the training which was external (the 'West', the corrupt system, "the whole catastrophe" – Sajid) or severed from the state and political processes (the depoliticised kitchen garden project or parallel evening classes for 'non-Muslims'). In these, counterparts were reflecting on their own roles, albeit often justifying how they could not influence change and how change had to begin 'out there' at the district level. Planners, for example, were now criticised more precisely and constructively for lack of grounded analysis, for not focusing on the marginalised, encouraging participation, or thinking in more integrated ways. Futility over lack of resources was replaced in interviews by demands for more analytical planning skills and to take RBA to the district to address the lack of planning grounded in people's lives. In the training, counterparts had conjured up a development model which was overbearing and constraining but at the same time rather chaotic. Counterparts gave an impression of being involved in their own separate, uncoordinated, segmented activities, with only enough perspective to look up or down to a certain level, to the short-term fulfilment of a list of 'sector-wise'

activities and instrumental goals. Critiques in interviews suggested a wider, more systemic perspective of development's lack of dynamism and effectiveness, and lack of analytical, reality-based, people-centred planning. In formal and informal interviews, almost all counterparts were significantly critiquing Government approaches from the perspective of a rights framework to the extent that they were using the language of rights and discussing themes of participation, accountability and non-discrimination in practical, critical ways<sup>39</sup>. The debate had therefore shifted from the level of international relations. The underlying mood had moved from a defensive mentality, of development actors perceiving themselves as agents of an isolated state, and defenders of a heavily criticised culture. It had moved to more critical inside analysis of development, of receiving directives and policies from above which did not go beyond the interests of decision-makers to lock into peoples' realities and sustainable change.

Impacts on thinking did not necessarily correlate with changes in practice. One RBA training, for example, demonstrated considerable impact on thinking. It involved counterparts who had already been trained by Sharif. Their group work as a result demonstrated significant changes from those who had never before been exposed to RBA concepts, and did not trigger the crisis at this stage (although there were crises at other moments) between discussion and application described in previous chapters. The programmes they designed were, for the first time, rooted in the situation rather than the system. They pointed to underlying rights dimensions, to, for example, bonded labour as a human rights issue rather than something getting in the way of immunising infants. People who were locked into bonded labour were recognised as an "exploited, suppressed class"; no other group before or subsequently commented at the outset on a group's class-based or any other status. Counterparts analysed the immunisation service, particularly its accessibility and awareness amongst labouring families, and relations defined by power and exploitation between the brick kiln owner and labourers. They examined the poor economic conditions of the area and its marginalisation by the state, and carried out an obligation analysis of the role of Government and NGOs. They analysed the vulnerability of refugees, gender discrimination and the exclusion of minority

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<sup>39</sup> Four exceptions in formal interviews: two had no thoughts on operationalising RBA, two (Alim and Farah) are discussed below

communities. Analysis of status and power relations was carried right through the programme, from assessment to evaluation. The remainder of counterparts' programmes were more narrowly focused on the service. They aimed, for example, towards successful immunisation, without achieving any change in the situation and status of bonded labourers. The work of these groups demonstrated that there could be a change in skills and profound shift in perspective through training; those involved repeatedly asked to become RBA trainers and were calling for training in their districts, indicating that the approach was relevant and increasingly in demand. They also, however, demonstrated a gulf, during and after the training (which UNICEF did not fill), between beginning to see power issues, deprivation and exclusion, and beginning to know what to do about them.

An interview with one member of the group, Dr Najam, several months later, showed that little could change without understanding how individuals are constrained within organisations. Dr Najam demonstrated a strong understanding of RBA ideas but was unable to put them into practice beyond briefing colleagues and, as was discussed in the previous chapter, changes in her personal relationships. She and almost all Government counterparts described how they struggled to achieve any significant influence within "a system which has to move with some uniformity" (Sajid). Counterparts working in sectoral programmes, such as education and health, were particularly constrained, where social analysis and social change remained on the margins, behind a primary interest in delivering services, and a prime concern with 'technical' rather than 'social' issues. Those working in cross-sectoral themes sometimes had more freedom and incentive to innovate. One Provincial level Government participant (Sabra), for example, was training NGO and Government colleagues and groups of women, including newly elected counsellors, in legal aspects of rights and rights-based analytical planning capacities. RBA, she said, was giving greater force in her role of promoting women's rights, including a linkage to the great domain of planning. She was based in a Social Welfare department where "we're the only ones thinking about these things", and was therefore using RBA to come in from the margins of development. Others Government counterparts, at Provincial level especially, described many small initiatives they had taken, such as training Social Welfare and other Government officials on RBA and trying to inject their versions of participation, non-discrimination and accountability into



programmes. For many Government counterparts, however, there were disincentives to innovating, where “if you become a pioneer of something then you get into trouble and become demoralised” (Dr Najam). As Iqbal Sahib indicated, changes in approach had to be taken beyond those compartmentalised areas working on rights and break into the tightly boundaried, ‘expert’ space of planning, within much longer term donor-supported processes.

Some counterparts were actually less constrained by the system than by their relationship to ‘the community’ and its capacities. Two participants (Alim and Farah) were from the same large NGO as some of the most effective trainers and counterparts. They had been working on rights for some time and had proved strikingly ‘expert’ within the training on the content of the human rights instruments. Farah’s pre-training questionnaire, on the other hand, indicated less comfort with a rights concept than knowledge of articles (“rights are for making life easy and comfortable; needs are measures for physical/mental development of human beings”). Farah and Alim argued that RBA was not useful. There was “a minute difference” between their existing approach which “puts a limit” on the numbers of children involved in programming, and RBA with which “you mean every one, every child”. Asked if RBA meant only greater numbers, they thought for some time and said: “We make it more participatory – stakeholders are given more responsibility ... they’re answerable also”. “Some things are coming in my mind now”, Alim said: “Take the target group – once someone realises that this is my right, these people are accountable if my right is not given ... those concerned hold more responsibility; laws are made stronger, so there is universality and accountability ... if people are aware that the Government holds responsibility then they will definitely stand up.” Farah and Alim indicated a wariness of straying from the rules and said that they were waiting for “the manual” before they did anything: “It’s difficult to suddenly change the approach with the community ... questions may arise that we’re already working on rights of children and women, what’s new about RBA?” They argued, in the end, that they were not applying RBA because members of the community were not capable of interpreting their rights. Farah and Alim argued that they were already participatory because they would sit together with ‘citizens’ committees’ and “assess their needs” (but not who had an obligation to fulfil them). They could not go beyond “what is the need of

the community” because “the communities at present are not mature, trained, expert enough to differentiate between need-based and rights; even if we talk about rights we would be dealing with them in such a way that they would get confused”.

Another counterpart, Suleman, was working with the same organisation and community groups, and held very different assumptions about ‘the communities’ capacities. He described interpreting RBA in ways that looked beyond transformed activities to transformed roles and relationships with institutions. Suleman’s role was working across ten districts as a facilitator for the citizens’ committees, most of whose members were women. He particularly supported them in programme planning, and in lobbying district authorities and the Provincial government. He and the citizens’ committees were therefore already engaging in political processes. They were interpreting RBA, however, in ways which altered their understanding of the basis of relationships with institutions, and transformed what they expected of them, from “asking for privileges” to claiming rights. When asked how he would define RBA, Suleman focused on practical negotiations, arguing that RBA means a change of behaviour amongst those holding power and authority. For example, the district management group would call a stakeholder meeting to discuss opening a village school. Negotiations were based on authorities “giving privileges to favourable people”. Instead, Suleman, argued they should be clear that they are acting on obligations to fulfil rights.

For Suleman and several other counterparts, RBA therefore firstly meant more assertive, political understanding of relationships based in negotiating for rights, rather than appealing for favours. Similarly for Dr Najam, and in sharp contrast to the impractical vagueness of rights in the training, RBA centrally meant a move from the “deserving” to a relationship of “a claim, very clear obligations, fixes certain responsibilities”. One counterpart in the Government department with core responsibility for the CRC admitted that he had never thought of what he was doing as an obligation; he had explicitly seen himself as “doing children a favour” (Tarak). A counterpart working in a hospital, Dr Noureen, had likewise shifted her understanding of her own role from favours to rights. She described a change in her relationship with women whose crises she witnessed daily: “If seen in a rights perspective, a woman can demand these services and if we can’t

provide them we have to explain why – previously I felt I was doing them a favour”. She had been trying to change the ways hospitals treat women before but had felt on a “different wave length”. She was now shifting from simply “doing” to “understanding why”, which gave her force and legitimacy to promote a different approach. She was also turning her attention to those who were excluded from the service, where “working in a hospital we only care for the people who come”. Dr Noureen and Seemen – like most women, and unlike most men – discussed how they had had to develop a clearer understanding of their own rights before they could help to operationalise the rights of others. They had had to move through a personal understanding before they could play an effective, more impersonal role. For many women then, as for Suleman, a core value of RBA was increased confidence in the meaning of a right, often centred in an (internal) understanding of their own personal rights. In contrast to the ‘givers’ of rights, what they believed others were entitled to, grew out of how they understood themselves in relation to a structure.

Suleman and some other counterparts (for example, Dr Noureen, Sabra, Seemen) gave indications of being predisposed towards change. RBA was, in the first instance, giving them a much stronger rationale for what they were trying to do already. The NGO to which Suleman, Farah, Alim and some of the effective trainers belonged had promoted the language of rights in district and Provincial fora for a long time, but “they were slogans only” (Suleman). Citizens’ committees had been told by the NGO to compete for privileges from Government but they were now becoming “clear in their minds” how and why they were actually *entitled* to “favours”. Suleman claimed that there was a profound change amongst committee members. He had observed that negotiations with authorities, which before were made tentatively only “on words”, were now being made with an understanding of relationships. They were being made with a confident understanding of the authority’s role and increased “confidence that they *must* be approved”. Suleman had worked with women in the bangle-making industry, for example, to claim rights from the health department “as their basic entitlement as citizens”, negotiating through district councils, pressurising the *nazim* to adopt a resolution on rights to health care, and working with other partners in health and education to lobby for rights together with greater confidence. Members of citizens’ committees might approach demands in more

tactical ways than asserting to the District Commissioner that “this is my right”, but their understanding of who they were in relation to authorities, and what they were asking for, had profoundly changed.

Suleman and other counterparts had politicised an idea of rights. He and others had long been using the language of rights, but had been approaching them one-dimensionally, apolitically and devoid of relationships: “we didn’t see them deeply, as mutual responsibilities”, carried through and into relationships with particular individuals and institutions. As other participants also argued (for example, Nighat, Zeba, Aysha, Sabra, Fatima, and reflecting the depoliticised kitchen garden project), women, children and their families had been urged that “this is your right”, without understanding of which individuals and institutions were obliged to fulfil rights and why. For many, there was a new understanding of a spectrum of accountable stakeholders, and of counterparts and their organisations being concretely located in the spectrum. Counterparts in an international NGO, for example, described moving from a long period of talking about rights (see Save the Children Alliance, 2001) into more consciously political processes. As one (Jilani) said, they had always talked about responsibility, usually of parents, but never obligations or accountability of institutions (or dabbled in children’s participation in ways that were blind to, but laden with, class bias – MacIvor, 1999). The NGO was shifting from an isolated focus on rights, to a more dynamic relationship between rights and obligations, from redressal at community level to national level advocacy (Nighat). NGO staff had been asked to train other offices across the South Asia region in their more politicised approach. As Jilani argued, in contrast to Farah and Alim, “the main thing is that we have to change our own concepts first or we can’t apply this approach”.

Conceptual coherence, for Suleman and others, was far less important than their own versions of ideas and how they were interpreting them (or not) in their own realities. In interviews, counterparts described RBA concepts in vague and sometimes simplistic ways (as they had often been presented in the training). For Sabra, working within Government on women’s rights, a simple idea of accountability, based on elevating needs to rights, was very powerful. So far, “rights have only been given for rich people” but “once we say these people have these rights then someone is accountable for that; I’m the

state and I've given these rights, they can ask me, take me to court". She and another female counterpart, Fatima, had been promoting the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) for a long time. The change for them was in grounding rights in political processes and planning – and in recognising their own roles in relation to both – rather than raising awareness of depoliticised, detached articles and rules. They described working with women (elected counsellors and lawyers, for example) for more assertive roles in political processes – beyond “politicians using women for slogans and street power” (Fatima) – and in longer term, analytical programme planning (“thinking beyond the two steps we normally do”). They were, for example, training *nazims* (leaders of district and sub-district elected bodies) and other elected officials, and supporting holders of rights – particularly women – in finding venues through which to pursue claims (as were, for example, Sharif, Aysha, Tariq, Zeba). Suleman and others were therefore less preoccupied with what the right ‘is’ than how they could use it. They strategically drew on and interpreted different sources. For Suleman, rights are “determined in the UDHR and the Constitution, reflecting religion”, in terms and from sources which made sense to him and to committee members in pursuing their goals, and in redefining their relationships with different authorities.

From the starting point of analysing, interpreting and ‘making’ rights in their own situations, Suleman claimed, citizens’ committees were now engaged in more detailed, critical planning from a rights perspective. Before, they were “just thinking non-analytically who can we approach”; now they were “going to find out the best interests”. They were carrying out more grounded, participatory analysis and pursuing rights through stronger partnerships and alliances (“before we were just networking, not building alliances”). Recently, for example, the citizens’ committees had had to respond when a girl was abducted. The committee would previously have assessed its isolated capacity to intervene. Now members consciously analysed the problem more deeply in its social context and worked out their roles from that analysis: who are the stakeholders, who holds power around the issue, who is likely to be supportive or obstructive, what is the responsibility of district management, how can the media and other stakeholders be brought in? Suleman had drawn this kind of wider analysis into a strategy which was now being adopted by the NGO throughout Pakistan. As with the abduction case, the

organisational strategy broke through barriers to pull parties together in fulfilling different roles. More coordination and longer term, strategic direction were, according to Suleman, “strengthening citizens’ committees as a platform to make interventions on different issues” whereas: “Before we had no strategy, just a two to three month plan – it wasn’t clear where the committees would stop work and others pick up; now we’re working with others to take over from that point”.

For Suleman and (he claimed) the women with whom he worked, the central force of a rights framework was in breaking through the power of those who interpret religion and impose particular rules. It was in the “right to choose a way of life” and overcome the power of “two or three *mulvis* who made rules for the whole society and are saying: Islam says ...!” A rights framework, for Suleman, cuts out the intermediaries and connects people directly to the values contained in religion, the Constitution and the Universal Declaration of Human Rights (UDHR). The force of rights, he argued, is therefore in challenging the ways in which particular rules and norms are mediated by particular individuals and institutions in their own interests. Suleman and other trainers and counterparts were challenging a perception of individuals as having no individual political identity and rights, except those derived from particular interpretations of religion (Vatikiotis, 1987; Women Living Under Muslim Law, 1995). For Suleman, any ideology or institution has to be understood as a tool which “has to adopt change”, or it leads to unthinking obedience. He was attracted to RBA for its potential use as a contextualised, decentralised, empowering framework rather than (and as a counterforce to) a dogmatic, fixed ideology. For him, a dynamic relationship of rights and obligations was of central, empowering value, rather than – as might follow from a formal approach – particular conceptions of rights.

Everyone who was active with RBA was, like Suleman, explicitly prioritising and pursuing gender equality; those who were less active were explicitly, or by implication, wary of changes in gender relations. Those who were active were challenging a perception of Muslim women (implied, for example, by Farah and Alim) as unable to negotiate their interests (A. Griffiths; 2001b; Ali, 2000; Abu-Lughod, 1998; Hirsch, 1998; Ahmed, 1992). Suleman, unlike many others in interviews, placed agency and

redistribution of power, rather than ideology or rules, at the heart of his understanding of RBA. In discussing the principle of the best interests of the child, for example, he linked it to institutions and to participation, that:

The basic thing is *who* will determine it? The bureaucracy, senior Government, the President are saying they can determine the best interests of everybody – this is why participation is so important.

Some counterparts gave no indication of interest in deeper change than increasing numbers of ‘beneficiaries’ coming through the turnstiles. Change was desirable to the extent that it fed into cleaner, less corrupt systems at the top, rather than less controlled processes at the bottom. Interviews reflected the divide running throughout, between trainers and counterparts who understood RBA primarily through a controlled, formal approach, and those seeking less controlled processes, grounded in the power to interpret and analyse critically the underlying situation and relationships contained within it. A rules-based understanding of RBA was heavily emphasised in an interview with one Government counterpart (Sajid). He argued that:

Pakistan is a signatory to the CRC. We have to abide by rules and regulations of international fora. We have to give the rights to everyone without any bias to castes, minority. Rights mean what is our obligation for our subjects, what are our duties for the subjects.

Sajid’s understanding of RBA was exclusively related to duties, without capacities to claim rights, or any redistribution of power or change in relationships that implied. His interest was in re-injecting a moral approach into a public space which had become sullied, in an ordered, duty-filled relationship, rather than a more dynamic and potentially disordering one. Sajid continually referred to a hierarchy. He argued that RBA ideals coincide with the “cherished objectives” of Islam and that operationalising RBA means giving greater respect to those in ‘lower’ levels, particularly “giving maximum respect and honour” to “ladies” and children. Counterparts such as Suleman were drawing on RBA to challenge the hierarchies of, and relationships between and within, particular groups in society and institutions. Sajid understood RBA as making those hierarchies and institutions less tainted and corrupt. The purpose of development was more efficient (rather than effective) use of Government resources, with sustainability and

accountability relating to the system, rather than to people and their situation. Other counterparts (for example, Mansoor) also saw RBA as a means of more effective, analytical planning through which they could be more benevolent within, and without changing, existing structures. 'Negative interest' in a rights agenda was largely driven by the possibility of challenging institutions which held and abused power (whether through feudal structures, the army, the bureaucracy or the military). It was driven by the possibility of reinforcing institutions and making them more effective at delivering a more prosperous nation. Many counterparts appeared to be looking for a simple definition of a state-society relationship in which the state looks after society rather than extracting from it for its own interests. Many participants critiqued the elites and the powerful who were "responsible for the whole catastrophe" (Sajid), but declined to look beyond the exploitative elite and low take-up of services.

Suleman and effective trainers explicitly linked their understandings and uses of RBA, as UNICEF did not, into political processes and transformed institutions. They embedded rights in a deep analyse of social and political relations. For Suleman, RBA streamed into a fundamental challenge facing social, political and institutional development in Pakistan, that rights are currently protected by individuals, not institutions. He described the force of a more dynamic, focused relationship of claiming and obligations as being rooted, in his terms, in citizenship. For Suleman, citizenship signifies a relationship between individuals and the state. Individuals generate resources (particularly through *zakat* and *ushr*) and state organisations exist to provide protection and to enable people to maximise their opportunities; the relationship is safeguarded by a Constitution which extends beyond negative rights to acknowledge rights to lead a full and meaningful life. With the Government's failure to fulfil its role, Suleman argued, people in the poorest communities have been forced to pay indirect taxes to the *wadera* ('feudal' landlord). Until the 1960s, the *wadera* had "more effectively" performed the role of the state and state powers were informally delegated to him, particularly for protection. His powers were so strong that in the past no-one would dare to go to the police without the *wadera's* permission. Currently, Suleman argued, and particularly in rural areas, *dacoits* (criminals) had become stronger than either the *wadera* or the state. Vulnerable communities were being forced to pay *bhatta* (illegal taxes), even to heads of police



stations and state functionaries, to safeguard their most basic rights to security. Thriving *waderas*, *dacoits* and *bhatta* were an indicator for Suleman of the state's failure to recognise and fulfil its role<sup>40</sup>. Relationships between society and institutions have to function through mutual agreement, he argued. If the state fulfils obligations, people will happily pay direct taxes, which the current "unjust" requirement of paying indirect taxes demonstrates they are able and willing to do.

The fundamental problem with the enduring *wadera* system, for Suleman, was one of clientelism, of power and authority being vested in the individual rather than the institution. There may be "many examples of very good *waderas* who establish schools but then their son or brother is different". Individuals cannot be held responsible or accountable, Suleman argued. The current political situation in Pakistan continues to operate feudally with one person seizing responsibility for everything, "saying parliament will be responsible to *me*" – the District Commissioner, the Chief Secretary, the President each assert that "*I* am the institution". The challenge, for Suleman, is that "we have to establish institutions – now we only have personalities". The main responsibility should be with the institution, not with the individual's own definition of responsibility, and the person's importance should be subject to institutions. As another counterpart, Tahira, argued, current ("needs based") approaches to development function through individual choice over whether one is responsible or not to receive cases or deliver services; with a rights framework, the institution (and the individual within it) become responsible and accountable. Suleman, like many participants, compared the personality-driven situation in Pakistan with India, where "even in the worst crises, democratic institutions have been sustained". Pakistan needs to institutionalise norms, Suleman argued, so that "if I or the *wadera* violate the law, we must be punished". Norms need to be "in harmony with the international community, not in isolation, as we tried with the Taliban". For Suleman and others, rights may then be realised in significant ways through formal institutions: but they are realised through a dynamic state-society relationship, in which people

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<sup>40</sup> See Government of Pakistan, Participatory Poverty Assessment (PPA), 2003a:125-6 – "A big landlord has resources to approach the police and courts and can have a political background. Kamis (the poor of low caste) stand at his doorstep to obey him and also expect help from him. The landlord decides the fate of the poor. He has complete control over the local justice system. (A group of poor analysts, Attock District, NWFP)"

continually challenge and transform those institutions, not simply through institutional ‘delivery’.

Personalising of institutions, for some counterparts and trainers, was a defining factor of the context and of people’s relationships with rights (even though, or perhaps because, Islam lacks the idea of an institution to enforce the rulers’ subjection to authority – Schacht, 1982). Personalising of institutions by different individuals and powerful interest groups (the bureaucracy, the army and the *mulvis*), counterparts argued, had rampaged throughout Pakistan’s history. Many counterparts and trainers, including Suleman, stressed that Pakistan had been created as a secular Muslim state. The intention behind forcing Partition was to protect the rights of an insecure community which shared a religious identity, not to create a theocracy. The founding ideal had been deliberately suppressed, following which, Suleman argued, parliaments have never been functional for more than three years. Bureaucratic leaders have not allowed institutions to form, the military bureaucracy has repeatedly seized control, and the “common people’s” consistent rejection of the *mullahs* has resulted in religious forces becoming an ally of the bureaucracy, which was itself “created by the British Government”. Many counterparts described the original purpose of many of Pakistan’s institutions, particularly its legal institutions, as being colonial control. Little had since been done to change them. Many referred to the weakness of the Constitution as the prime example of ‘wishes on paper’ (although Suleman was one of the few who argued for strengthening of the Constitution, which had been constantly and deliberately undermined, and had recently been suspended for the third time).

Counterparts’ critiques of Pakistan’s history since Partition highlighted some of the core reasons for scepticism about institutions and ideals, as well as the low expectations attached to change. They marked a shift from defences against ‘external agendas’ within the training, to more critical inside analysis in interviews. They highlighted how historical experiences have shaped counterparts’ reactions to the possibility of more normatively-based institutions and development relationships. Unsworth (2003) argues that donors have to move from importing formulaic development policies and formal institutions. They have to start instead with adequate understanding of the underlying

social, political and historical context, and how it shapes capacities and incentives for pro-poor change. Donors need to look beyond immediate frenetic problems and solutions towards longer-term, more complex change processes, through strengthening capacities and incentives for change, and engaging a wider range of voices in change processes (Unsworth, 2003). Many counterparts (and all aspects of the process) indicated that historical experiences had taught them to lock norms and values out of the corruption of public life into the social and 'private' spheres. A dominant response to discussion of rights and RBA had implied a contrast between the 'impurity' of the state apparatus (in any case a colonial inheritance) with the idealised purity of the social sphere. Social hierarchies, rules governing daily life and social channels of accountability were depicted as divinely sanctioned, and therefore in need of neither scrutiny nor change. For Suleman, however, the clear challenge was to reconnect the public and private domains through building stronger norms-based institutions, formed on the basis of, and responsive to, rights vested in the individual. In contrast to many counterparts who drew fierce boundaries around 'private' matters – such as violence against women – he tried to breach the boundaries between public and private spheres, arguing that “the state is responsible to overlook these matters of how people live with one another; if they act against settled norms, the state has the right to intervene”. As many counterparts implied, and Suleman directly argued, the state could not be an 'Islamic' one because “you can't opt in and out”; rights are 'given' for all time, rather being than continually made and remade.

Several counterparts had moved their perspective from the system, or structure, to the situation; they had moved from that which was inanimate and controlled into an animate and less controlled domain. For those, such as Suleman, Sabra, Fatima, Nighat, Sarah and Seemen, who were not (or were no longer) solely looking out from the system, one of the most significant spaces for operationalising RBA was through a new perspective on law. A formal, centralist approach, as it was used in the RBA process, treated law as an instrument of hierarchical power and control; there was never discussion in the RBA process, for example, of concepts such as 'justice' and how they might be interpreted. At the same time, counterparts and trainers were sceptical, and often dismissive, of law, as the empty instrument of the corrupt powerful who are expected (hopelessly) to regulate

themselves. Cynicism about law was carried into cynicism about formal obligations, duties, responsibilities and state-centred authority in general. Initially, RBA fell into the wasteland of yet another set of standards which will always be undermined before they can be translated into real outcomes.

Some counterparts and trainers made a major shift towards looking at legal and other institutions, from the perspective of rights holders, as ‘generative’ rather than hierarchical forms of power (Giddens, 1991:211-214). By claiming the right to interpret and use law themselves, for example, some counterparts and trainers were giving it a different meaning from that received from dominant groups. In interviews, most women stressed the importance of an international framework of agreed standards, usually from the starting point of experiences of inequality, rather than a formal vantage point within a system or structure. Force did not lie, for example, in implementing Conventions through an unquestioned structure, but in using standards as a basis for constructing (political) challenges to that structure. The significance of law was in allowing them to challenge the rulers, to lift arguments out of the control of a dominant narrative, of a society, and of organisations, dominated by the voices of religion and of men. Women particularly stressed that they had always known, in a vague sense, of “rights as Muslims” but understanding of an international framework moved the debate from a ‘Western’ or ‘Muslim’ agenda – or narratives dominated by the ‘handful of *mulvis*’ – to a more inclusive “*human agenda*” (Fatima, Sabra, Dr Najam, Dr Noureen, Aysha, Sharif, Nighat, Jilani, Seemen, Sajid, Zamir). Extending into a human agenda and legal framework was significant because arguing “only on the basis of religion and moral values makes rights very difficult to protect” (Dr Najam). Men, significantly, seemed to feel far more secure in the protection afforded to them solely on the basis of religion.

Some counterparts and trainers were therefore moving beyond rights given by instruments towards their own constructions of rights, which partially drew on those instruments. At the same time, the norms and rules governing power relations, in both public and private spaces, were understood as part of a construction in which power and authority were open to challenge and to change. Such an understanding was what effective trainers and counterparts such as Suleman desired, and what others such as Iqbal

Sahib feared. Operationalising RBA for a minority meant moving from overwhelmingly 'giving', 'providing' and 'allocating' towards enabling others to make and claim rights. Despite the apolitical approach of the RBA process, both Suleman and Iqbal Sahib saw RBA as containing an essentially political agenda which aimed to affect power relations, and both reacted differently to that insight. Iqbal Sahib personified the dilemma between acknowledging the value of more participatory development and wariness about profound change; for example, he saw increased participation as essential and positive to the extent that it would challenge conventional leaders who exploit their positions. He argued that development will always be under the control, and in the interests, of those with power: "I'm a landlord of a community – I will do those developments which affect the people positively but will also keep them dependent on me".

Other counterparts were looking squarely out from the structure in discomfort at the levels below. Feroz Sahib was a senior Provincial bureaucrat who, compared with his contributions in the public space of the training, was increasingly using the language of rights in an interview several months later. Although his acceptance may have been artificial (as Iqbal Sahib warned), he was significantly unable to reject a rights agenda. He claimed to be scrutinising all project plans which came to him to see whether rights were being addressed. He also claimed that he was making district level actors aware at every opportunity that they were involved in the fulfilment of rights. Feroz Sahib argued that there was a provincial level decision to adopt RBA and a slow transition was underway (defined by him mostly in terms of increasing participation and "giving more attention to disparities"). In reality, however, he criticised Government for still functioning in a "needs based mode", meaning "Government just assesses that a school's needed, then it's not used by the community because they're not aware of rights, education isn't their first priority, they don't fight for it and Government is allowed to do nothing ... they don't claim education as a right". He argued that education (especially of girls) would never be successful until communities took a more active and demanding role.

To really adopt RBA, Feroz Sahib argued, “we need to make the community aware of rights, how to claim, how to demand”. At the same time, he deeply mistrusted community motives. He described proposals submitted for World Bank funding, most of which were a charade for somebody’s interests. The proposals demonstrated, for Feroz Sahib, the dangers of participation and over-romanticising it (within the confines of particular interventions let alone more participatory development). This position was repeated amongst other participants, revealing a fear of – or disdain for – the ‘uneducated’ liberated community. Part of the concern of one counterpart, Sajid, was that there has to be accountability and responsibility amongst those to whom empowerment is being “imparted”, otherwise it is “like giving a hand grenade to a baby”. As Thin argues, promoting participation is only responsible and convincing if we do not assume that more participation is automatically better (Thin, 2001). Like Farah and Alim, however, Feroz Sahib pointed out only the problems with more active roles, rather than – as Suleman and many others did – looking for positive forms of participation, growing out of people’s growing capacities to interpret and negotiate for change with those holding power over their lives. He described participation of an undifferentiated ‘community’ and – unlike Suleman and others – did not discuss the participation of those with least current power to negotiate for their interests. As Iqbal Sahib confided, breaking down the community by power and interests in this way was equivalent to breaking down the social structure. Participation was discredited, rather than trying to understand factors preventing and limiting it (including political and institutional contexts, knowledge and capabilities, gender inequality and forms of social exclusion – Thin, 2001:9).

Feroz Sahib was therefore comfortable with ‘the community’ being ‘given’ rights, but less so with rights being ‘made’. Rather than implementing Iqbal Sahib’s vision of chaos, meanwhile, Suleman and others were moving carefully to negotiate for fulfilment of rights and institutional change. The spectrum of responses to RBA, however, indicated that donors should not look for harmony. They should understand rights-based development as a venue for enlivened negotiation, involving a wider range of potentially disordering voices, rather than pursuit of an enterprise and vision which are – like ‘our

religion' and 'our culture' – assumed to be shared. As is increasingly recognised, impacts on partners such as Suleman suggested that more can be achieved through empowering a wide range of development partners than through isolated, vertical, activity-centred and controlled relationships within a narrow Country Programme framework, or the status quo of dominating institutions (Unsworth, 2002; Eyben, 2002; IDS, 2001). Momentum was created through trainers and participants, such as Suleman, who were driving more overtly political, independent processes within the networks and relationships they deemed to be important. In stark contrast to the crisis discussed in Chapter 5, they were breaking down hierarchical boundaries between 'high-level' policy making, 'low-level' implementing and community 'receiving', and energising more creative, fluid roles. They were beginning to move away from options for social and political engagement determined by external agencies and "invitations to participate", towards "autonomous forms of action" (described by Cornwall as participatory spaces in which groups create their own opportunities and terms for engagement – Cornwall, 2002:50; see also Gaventa & Valderrama, 1999).

A minority of counterparts and trainers were therefore creating openings for change which had not been envisaged, which fell outside donor control, and which are, consequently, difficult for donors to support. Most (but not all) of those driving independent processes were outside Government. They critiqued donors for over-emphasising Government at the expense of more challenging partnerships outside the status quo. As Sharif argued, echoing complaints of several Government counterparts themselves:

Initiatives are not liked in government sectors – those who take them are in big trouble. They have just to obey big boss policies.

Bringing about change through the status quo is very difficult. Institutional hierarchies, embedded traditions and bureaucratic inertia are an obstacle to change (IDS, 2001). Working with the status quo is essential (see Hossain & Moore, 2001), but trainers and NGO participants particularly argued that the status quo alone will not shift the content and outcome of development processes from more outputs to more profound change. A formal, centralist approach (including the ways in which it is implied in the UN)

reinforces a divide, which is continually referred to, between policy makers and policy implementers; it implies that rights have been given, and the task is now to implement them through formal national institutions. All aspects of the process indicated, unsurprisingly, that such an understanding favours particular voices (those of a certain status who are part of the formal machinery) and excludes others. They indicated that, where there are tensions between different normative and legal systems, privileging the formal system and neglecting those outside means that power will always be in predictable hands. Donors' selection of actors, knowledge and spaces widen or constrict the content of development policy debates and outcomes (Eyben, 2003; Keeley, 2001). What knowledge is privileged in the analysis, and in what spaces (formal policy-making fora or less formal civil society processes), influences who acts in policy-making and in whose interests. Donors are not required (and do not have the legitimacy) to play a role in all aspects of negotiating rights. They may, however, have a role in empowering others, not only to have a voice in those negotiations, but to generate alternative institutions, norms and practices; this may mean fuelling conflicting perspectives and competing demands.

Empowering others to have a voice requires long-term involvement and understanding of power relationships. The different perspectives of counterparts such as Feroz Sahib and Suleman paralleled a difference between applauding formal, procedural equality and struggling with more substantive equality, concerned with "elimination of unambiguous inequalities in capabilities" (Sen, 1992:7). Formal equality – as Sen (1992), Kabeer (2000), Gaventa (2002), Nyamu-Musembi (2002) and others have argued – can deepen inequalities because 'universalism' extends marginalisation behind a façade where greater power and resources enable some to claim rights with more force than others (Gaventa, 2002:5). Discussion of rights, entitlements, equality and empowerment is futile unless institutional power relations – particularly at the local level – support people claiming rights (IDS, May 2003; SLSA, 2003; Crook, 2001:3). Supporting responsible and credible participatory development means understanding and influencing inequalities of power and resources, linking participation into wider institutional change, and treating people as rightful claimants in development: without such concerns, participatory processes risk 'voice without influence' (Nyamu-Musembi, 2002; Gaventa, 2002;



Cornwall, 2000). The power of Suleman and others to operationalise RBA, on their own terms and those of their organisations, was an unintended example of the value of deploying aid instruments “to strengthen empowerment of partners rather than to have power over them” (Eyben, May 2003:10). Operationalising RBA outside the control of the Country Programme is therefore very difficult for donors to manage. It could be, however, a move towards investing more circuitously in relationships, “empowering those who can drive change”, rather than direct, sequential interventions, prescribed, measurable outcomes and overwhelming emphasis on ‘the spend’ (Eyben, 2003:4).

Some interpretations of a rights-based development therefore inhabit the kind of uncontrolled space which is not obviously valued. They involve empowering others as intermediaries to analyse, interpret and claim rights themselves, and to go in directions which cannot be tightly controlled. Donors need to acknowledge that the ways in which actors negotiate change and draw on abstract discourses will not fit into the confines of planned interventions (Long, 1996). For such outcomes to be prized, it is necessary for donors to shift value from short-term activities to a longer term, more strategic understanding of change which recognises and values incremental steps along the way, and which also changes development relationships and modes of operating (Unsworth 2003; Eyben, 2003; IDS, 2001). Claiming the language of rights and governance requires a change in power and relationships; it requires putting concepts of trust, accountability and partnership into meaningful practice between organisations, and also between actors (IDS, 2001). Echoing the theme of internalisation, donor organisations need to “achieve consistency between personal behaviour, institutional norms and the new development agenda” (IDS, 2001:1). UNICEF urged others towards partnerships but, as Iqbal Sahib described, many counterparts were powerless to operationalise RBA when it was promoted in isolation by a relatively unimportant donor, without follow-up support. The spectrum of responses to RBA reflects a wider tension between formal and process approaches, where development agencies want control, but also ownership and sustainable change:

Living in the contradiction between the demand for tight budgets, short-term measurable results, targets, a belief in cause and effect, linear social change and avowed commitment

to process, ownership of change by the poor, locally driven agendas... is very painful for all kinds of people up and down the aid chain. – Workshop participant, IDS, 2001:2

Counterparts had low expectations of change unless it was driven from below, and understood as far more complex and incremental than UNICEF's simple hopes of individuals affecting change in institutions implied. Interviews pointed back to a central question of how to enable less controlled approaches within the order of organisations and institutions. The RBA process was implicitly led with an institutional approach to capacity development, which engages at a macro-level with the "norms, cultural values, incentive systems and beliefs" underlying many development challenges, although it risks "a kind of chauvinism by judging some institutions 'right' and others 'wrong'" (Lusthaus *et al*, 1999:4-5). Emphasis was placed on the type of development we are seeking rather than whose capacity is being developed (Lusthaus *et al*, 1999). Interviews suggested a need to return to the ways in which the two themes inter-relate and, specifically, how individuals relate to organisations and guiding institutions (Lusthaus *et al*, 1999).

Those who were most predisposed to RBA were often least predisposed to bring about change. UNICEF's lack of clarity on whether and how it was trying to influence change left some counterparts feeling they had been asked to go out and implement insurrection – with *imams*, with 'superiors', with institutions, without support. One female NGO counterpart, Sarah, described how difficult it was to bring change into her organisation, even introducing a more analytical programming cycle, without the controversy of rights principles. The organisation already had its own approach and changing it would need a senior-level effort. Introducing other elements of RBA – particularly a more assertive, challenging version of gender equality than 'bringing the neglected segments up to par' – would require far greater support. She was conscious of how inflammatory a rights agenda could be, based on her experience of struggling for four years to embed a relatively unthreatening gender approach within her NGO. While progress had been achieved, "backlash" amongst men in the communities within which she worked was so fierce that the word 'gender' could not even be used. Other counterparts, like Suleman and Nighat, were pre-disposed towards change and in more receptive organisations. Those in Government especially said they felt unsupported and frustrated by their

inability to influence change beyond carrying out a handful of RBA-infused activities. As Dr Najam argued:

At my level I can convey the message, try to remove gender discrimination, but in Government, we can't do like NGOs. We can't make innovations. Indirectly we're doing so many things but it's very difficult to do them systematically.

The sensitivity of a rights framework and the extent of change it implied, was therefore far out of proportion to the kind of change the majority of counterparts could bring about without support. Lack of a capacity development strategy was significantly due to divisions behind the RBA process, and was addressed to an extent in the subsequent district-level phase. UNICEF's commitment to capacity building was therefore far behind the demands of many counterparts (see Brocklesby & Crawford, 2004, for a similar experience with DFID). Taking RBA to the district level was a particularly overwhelming message in interviews with participants who felt hopelessness about changing a system and rules of the game from the mid-level, and who saw greater possibilities thrown up by potentially more enlivened structures at the districts. As Iqbal Sahib argued, what was needed was to work in concentrated ways with chosen communities to demonstrate effectiveness, rather than expecting individual Provincial bureaucrats to influence significant change. Government counterparts especially were clear on the need for people-centred planning capacities at the district level rather than being, as much of the discussion around devolution was, highly mechanical and system-centred.

Those who were most active in their uses of a rights framework were taking a pluralist, interpretive, actor-oriented approach. A formal rules-based approach, particularly in a model of development which has been highly non-participatory, can further confine development actors to being implementers of the ideas of others, rather than generators and interpreters of their own ('waiting for the manual' versus more critical, creative roles, even if they were constrained from acting on them). A primary opening for more creative, interpretive roles was, as it had been for the trainers and as Suleman's work indicated, through more critical analytical planning. Government participants had admitted in the critical episode discussed in Chapter 5, as they did to trainers in

independent processes, that “we never normally plan”. Trainers had to invest a lot of energy (just as energy had had to be invested in them) in persuading counterparts that grounding development in assessment and analysis is important; they then had to instil a rights perspective and elementary analytical planning skills amongst counterparts who were used to passive roles and receiving instructions. Within different organisations involved in the process, RBA was therefore beginning to challenge the technical dominance of planning as an area of exclusive expertise, along with wider dominant narratives and assumptions around what was to be debated, what solutions were to be explored and who was to be part of the dialogue. They were introducing a more powerful idea of participation, which stretches beyond participatory methodologies at community level (which are pursued in Pakistan, but which expire before they can feed into higher levels – see Moore, 2001).

In small numbers and at one end of a spectrum, some counterparts were therefore influencing power relations, in which those dominating socially and culturally also dictate principles of planning (Fenster, 1998; Foucault, 1977). Maintaining a hierarchical dichotomy between planning and implementation contributes to depoliticising the policy process through absolving policy makers of responsibility for outcomes; it also prevents understanding of the influence of implementation on planning, including understanding intervention as a negotiated and socially constructed process (Lipsky, 1980; Sutton, 1999). In reality, actors are engaged in both policy and practice at all levels, drawing on discourses which identify particular problems, and which offer particular perspectives and solutions, while excluding others (Fulcher, 1989). A policy making, or planning, versus implementing dichotomy derives from a top-down model of policy-making and reflects a particular hierarchical structure of social relations (Fulcher, 1989). How people view social relations and their place within them is therefore critical for how they view their place in development, and the possibility of being ‘makers’ rather than givers and receivers of rights.

### 8.3 Conclusion

Many counterparts were interested in RBA as a programming framework which might address their experiences of the weaknesses of development planning; they were interested in its analytical value, but not its political dimensions. In discussions of operationalising RBA, many counterparts and trainers were looking outwards, often with a high degree of unease, at individuals and social groups 'below', from the perspective of an existing structure. A smaller number of counterparts and trainers were looking critically backwards, critiquing the structure from the perspective of those (particularly women) not served by it. A minority were looking beyond activities to transformed relationships with different sources of authority, and pressurising for more equitable, accountable institutions.

Beyond the training venue, in small numbers and at one end of a spectrum, some counterparts were therefore using a rights framework to lever open the spaces within, and grounds upon, which to challenge institutions. Some counterparts were developing people-centred planning skills with those who hold different forms of institutionalised authority, such as Provincial and district level officials; they were also enabling processes of claiming rights, and supporting individuals and groups – such as organised groups of women – to transform the grounds and methods through which they interact with institutions. Several counterparts described moving from a one-dimensional understanding (trumpeting rights without corresponding institutional obligations) and asking for privileges in personalised processes, to locating accountability and acquiring confidence of the grounds upon which they were negotiating with those in authority. Some trainers and counterparts were breaking down hierarchical boundaries and stimulating more creative, fluid roles. They were understanding empowerment and participation beyond the bounds of the project in more politicised ways, less as a function of traditional roles – 'putting food in hands' and producing healthy, productive children – than as a force for challenging destructive inequalities (Ackerly, 2000:16). Some of those who were working with RBA described how, in some way, they were looking in the long term to impersonal institutions fulfilling responsibilities, with power and authority vested in institutions rather than individuals. They indicated that asserting

rights does not necessarily mean stepping into chaos, as many counterparts, such as Iqbal Sahib or Feroz, feared; some indicated the opposite, in careful, reality-based planning with greater respect for, and strategic use of, laws and incremental, well-judged steps. Such steps were geared towards state and institutional transformation (their more effective, accountable and responsive working) and building of public goods (Putzel, 2002) rather than anti-state disorder.

Trainers and counterparts echoed a theme running through the literature, that donors need to acknowledge the political nature of development, particularly where it is based on rights, as well as their own status as political actors (Brocklesby and Crawford, 2004; Eyben, 2002; Unsworth, 2002, 2003; Harris, 2002; Moore, 2001). The less controlled, more politicised processes pursued by some counterparts and trainers are in tension with the growing volume around achieving targets and 'results based management', as is the kind of donor investment required. Those who were active as trainers and mobilisers – such as Sharif, Aysha, Khurshid and Suleman – were pursuing quite radical social and political change agendas. The majority, however, needed greater persuasion and support if they were to risk change. They were demonstrating changes in thinking but were choosing to wait (or had no choice but to wait) for changes elsewhere in the system. They required far greater support and demonstrated that operationalising RBA (as many development agencies claim to be doing) means a sustained, strategic, labour intensive investment (Eyben, 2002; Brocklesby & Crawford, 2004). RBA is particularly intensive in human rather than financial resources, Eyben argues, but investing in a rights approach should be disconnected from funding considerations because of the potential to achieve high policy impacts (Eyben, 2002). However, results may take longer, be harder to attribute and – in terms of what is currently valued and measured – be harder to measure. Operationalising RBA therefore presents donors with many dilemmas about development modes and relationships, which are increasingly scrutinised as donors are asked to bring their own approaches and relationships into line with those they promote amongst national partners.

## Chapter 9: Conclusion

### 9.1 Responses to & interpretations of RBA

The thesis has examined development actors' responses to and interpretations of a Rights-Based Approach (RBA) to development. It was set, in Chapter 1, within a development policy context in which there is increasing argument for more consciously political, power-centred, deeply contextualised development approaches to engage with the forces inhibiting and enabling longer term change<sup>41</sup>. Following on the literature review and theoretical perspectives examined in Chapter 2, the thesis has set out to explore how donors and partners can work with an inherently political, power-centred agenda, without 'sanitising political processes' or imposing 'human rights imperialism'. It has explored whether a concept, if not fixed conceptions, can be meaningful in a particular context. In relation to each of these issues, the operation and significance of formal and process approaches have been particularly explored. Methods have clustered around four questions within the central capacity-building process on RBA, while continually connecting with, and drawing in, the wider layers of the development context. As Chapter 3 described, questions and methods have aimed to capture a spectrum of responses to, and shifting perspectives on, rights and RBA. Questions have addressed: what development actors think about rights and why; how they see rights and development interacting; what different understandings of and responses to RBA emerge and why; and whether there is evidence of change in development actors' thinking and practice. This section summarises the patterns that emerged around the questions, and what they indicate of responses to and interpretations of RBA.

Responses to RBA are significantly reactions to the possibility of transforming power relationships. The central value of RBA is in exposing the operation of power, and converting the ways in which power is understood, tackled and exercised in development. Those who seized RBA in Pakistan used it to critically analyse and demystify – even de-

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<sup>41</sup> See, for example, Brocklesby & Crawford, 2004; Eyben, 2003, 2002; Unsworth, 2003a, 2002; IDS, 2003; Cornwall, 2002; Gaventa, 2002; Kabeer 2002; Putzel, 2002; Moore, 2001; Goetz & Gaventa, 2001; Joshi & Moore, 2000; Houtzager & Pattenden, 1999; Lewis, 1998

sanctify – the forms, sources and locations of power which are exercised *over* people's lives through individuals, systems, institutions and structures, and which are often presented as immutable. A formal approach to rights does not acknowledge, engage with or rival these sources of power, the actors and institutions benefiting from them, and the relationships through which they are exercised. It is more likely to reinforce them. Pluralist, process approaches are centrally concerned with the forms of power operating in people's lives, and with the many ways in which people both experience and exercise power (A. Griffiths, 2002; Rowlands, 1992). Rights-based development involves exerting a form of 'power over' in the sense of compelling others to do what they would not otherwise do; it also recognises power as generative and inherent to human action (Giddens, 1991, 1979). Power is less "a 'thing' which people 'have'" than existing in relations amongst people (Nelson & Wright, 1997:8) within a structure. Power is dynamic and internal as well as external, exercised in what people 'make', as well as existing in what is exercised over them and what they are 'given'. RBA was used to re-evaluate the exclusive power of dominant institutions and actors, epitomised by the role of planners. They become part of the whole, rather than being the whole:

If the process through which structural production takes place can be thought of as a machine, it must be said that the planners' concepts are not the blueprint for the machine. They are *parts* of the machine. – J. Ferguson, 1990:276

As they were essentially about power, discussions of RBA in Pakistan shot into the bloodstream of underlying debates about human value and social and political organisation. Each training, and later discussion in interviews, involved a political dynamic between those wanting to suppress such debate and those wanting to pursue it. People's responses to and interpretations of RBA were therefore launched past the boundaries within which, this case study indicated, 'development' is normally confined.

In response to the four questions, people, firstly, understood rights, and concepts such as equality, in strongly organic, if impractical, ways. Such understanding was in stark contrast to the dominant narrative, which casts rights and RBA as an 'external agenda'



(and which kept a powerful 'ideal' of rights out of the realm of practice). There were two different, heavily gendered understandings of rights: one was formal, centralist, detached and hierarchical, in which rights are given and received (epitomised by the anthem "in our religion, all women are *given* their rights"), and in which giving is in itself a form of exercising and reinforcing power (Bourdieu, 1977:195); the other was more process-centred, connected and embedded in relationships, in which individuals (particularly women) described perpetually negotiating for their rights. Men in general were detached from living experiences of being denied rights and in the aloof position of being guardians of the family and observers or guardians of society. Such detachment was behind a challenge of bringing society, culture and, particularly, issues of discrimination and exclusion under critical analysis. How individuals saw their relationships with rights – as entirely external or as also internally driven – were, secondly, inter-related, with how they saw their relationships with society and with development, and how they saw rights and development interacting. People presented themselves either as suspended slightly above social relations, controlling, observing and 'giving' to those below, or as embedded in human and social relationships. Individuals' views of rights therefore related to whether they understood development as mechanical 'tinkering', which floats above, gives instructions and delivers to society, or as entrenched in social and power relationships, and in an agenda concerned with transforming both.

Whether development actors viewed rights externally or internally – as given or made – was shaped by their underlying view of power relations. Such views, thirdly, influenced whether they responded to and interpreted RBA through a formal, centralist, 'rules' framework or a pluralist, actor-centred, process approach. The former group used RBA to give and receive rights in a way that reinforced existing power relationships. The latter (smaller) group stepped back from what could be delivered to see the existing structure as a construction, to examine who has the power to legitimate certain norms, rules and relationships through which the structure is defined (Weber, 1978; Giddens, 1979), and in whose interests they operate (Nyamu-Musembi, 2002; Singer, 1990). The two approaches are interdependent and dialectical. RBA comes alive in the political dynamic

and tension between them, and particularly has value in supporting those with less power to have a forceful voice.

The process in Pakistan therefore indicated, fourthly, that dynamic forms of RBA are concerned with transformations in the actor rather than with bounded development outputs. This does not mean that the individual is the only site of change, although, as each chapter demonstrated, changes within individuals brought significant shifts in ways of seeing and approaching development. It means that changes in the actor are essential to changes in the structure, to engage with the forces inhibiting and enabling longer term change. People's uses of RBA enable them to bring the structure out of the realm of external and – where strongly associated with religion – timeless, inalterable authority. A few of those involved in the RBA process moved from being 'only implementers' within a sharp hierarchy receiving the policy, the instruction or the right. They became agents and social critics, entitled and equipped to be creative, to interpret, critique and challenge the structure – in other words, 'to discourse'. Rights carry with them a notion of authority. Rules approaches treat rights as defined by and derived from external authority, and reinforce a dominant development mode in which individuals, as 'only implementers', follow instructions flowing down from above. Pluralist, interpretive approaches break down that authority; they can lead to a different, more critically analytical 'way of seeing' and more creative roles driven by the actor, rather than only the external authority. Those taking an interpretive approach to some extent broke away from 'the whole' and seized new authority and legitimacy to take up more active, politicised roles, and to support others in doing so.

Actors' interpretations of RBA therefore came alive through the vigour of debates about norms, values and rules, which are essentially debates about the power to reproduce or reconstruct a particular structure of relations. Contrary to what might be assumed from a formal, centralist perspective, RBA is not a 'thing' separate from the multitude of ways in which actors understand, interpret and use it; it is not 'something' brought by donors, but comes to life in different actors' different impulses for social and political change – or for preservation – within and across organisational boundaries. Like the idea of rights themselves (Dalacoura, 1998; Windsor, 1995), it springs from moral or political

positions, rather than an objective foundation. RBA is not one position or another. The RBA process began with an implicit search for a single objective truth, but the approach became highly diverse and subjective. Many arrived at a point at which “one cannot say what human rights *are*, but what they become” (Windsor, 1995:183).

What people were actually able to do only partially reflected their responses to, and interpretations of, RBA. The majority did not seize more active and politicised roles. Many counterparts were waiting, by force or by choice, for change to happen elsewhere. At the very least, as Iqbal Sahib illustrated, most had shifted the debate from barriers of ‘this is our religion’ to critical analysis of social and power relations. Forms of operationalising RBA were distinguished by the perspective from which counterparts were looking, and therefore by what they were seeing. Some counterparts and trainers described operationalising RBA from the perspective of the existing structure and status quo; they aspired to a system which ‘gives’ more rights and looked out warily at the possibility of those with little power being empowered to pursue claims. Some looked back at the structure and were operationalising RBA from the perspective, and in the interests, of those whom the structure does not serve. They were aspiring to more dynamic relationships with institutions and forms of authority, and pursuing empowerment as ‘visibly making more powerful’ (Moore, 2001), rather than as trickling down through a structure.

The extent to which any approaches, pluralist or otherwise, impact on reality in significant ways, and whether they are sustained or captured by different interests, cannot be demonstrated here. The thesis is limited to observation of interactions and what people say they do, rather than what they are observed to do (see, however, Crawford [2004] for evidence of impacts in Malawi). Pluralist, process-centred approaches are vague and open-ended, and are difficult for donors to manage, work with and ‘do’. They require considerable investment: a great deal of energy was invested in the RBA process in Pakistan, yet few active individuals emerged from it. The thesis indicates, however, that power-centred, pluralist perspectives have to be central to understandings of rights and RBA. Regardless of their sustained impact on realities, they – at the very least – demonstrate the potential to enrich social analysis, and the range of social actors involved

in development and social and political processes. More widely, power-centred, pluralist perspectives have to be central to understandings of development. The thesis indicates that in restricting what is seen and ways of seeing, formal centralist approaches are themselves ideological, political positions. They turn away from, and therefore protect, particular constructions of power, and those who benefit from them; the denial itself has social and political consequences (Higgins, 1994). The RBA process indicated that development works with the status quo, and that the approach particularly resonates with those who are personally or politically on its fringes. It comes alive in the tension, the colliding, the clashes and reactions through which rights achieve relevance and grow (Windsor, 1995). People's uses of RBA (a concept rather than any particular conception or abstractly coherent approach), can contribute to widening who is recognised in development processes; they can help to expand what is seen, the perspective from which it is analysed, and the purpose and direction of change. Donors are actors in, not referees over, those processes.

## **9.2 Formal & process approaches: reinforcing or transforming the structure**

Formal, centralist approaches, as actors' uses of them in Pakistan indicated, are centrally concerned with control; they operate through, and reinforce, an existing structure, and maximise the use of particular forms of power within that structure. More pluralist, process approaches, as actors used them in Pakistan, are centrally concerned with scrutinising that structure and the values, norms, rules and relationships through which it is constructed. They are centrally concerned with asking whose interests the structure serves. As Windsor (1995:181) argues, and as falls outside the bounds of a formal, centralist approach, operationalising human rights involves a difficult exercise of "critical toleration". This means respecting the values and beliefs of others, but critically evaluating the social norms which are meant to represent such values and beliefs, as well as the relationships through which they are carried. Norms of social behaviour are meant to be expressions of underlying values. As was very vivid in, for example, discussion of gender relations in Pakistan, the two are usually confused. To critically analyse the

norms governing social practice is therefore interpreted as an assault on underlying values (Windsor, 1995).

Uses of RBA in Pakistan were centrally exercises in reconnecting with and reapplying those values, or, alternatively, keeping them locked away. Discussions of rights and RBA were initially conducted from the scaffolding, from the structure of norms, rules and relationships (Weber, 1978; Giddens, 1979, 1984) through which society is organised, and which are reflected and reinforced in institutions. Discussions were initially dominated by the gatekeepers of Tradition, those, such as Iqbal Sahib, who set up barriers against 'external agendas' and defended 'our culture', 'our religion' and 'our society'. Underlying values, such as equality, were constantly implied – "in our religion everyone is equal ... all women are given their rights ... we'd always heard about rights but never thought about them practically" – but as abstractions disconnected from development (or even social) practice. There was strikingly little understanding and discussion of gender discrimination and other forms of inequality – for example, the operation of a caste system – compared with the way their opposites ('All humans are equal ... women are given all rights!') were constantly asserted via norms based in religion.

Discussion functioned along two disconnected levels, one referring to a social world filled with norms and values, the other to a functional, mechanical, socially disconnected development realm. Change was triggered by bringing those two levels of reality together. Trainers increasingly used RBA to cut through the static of 'external agendas' and assertions of norms which protect particular versions of Tradition. Exploring RBA meant moving past the gatekeepers, past the ways in which norms as an aspect of culture are put to use by political agents (Dalacoura, 1998), to reconnect with core values, most forcefully through reconnecting aspects of rights with Islam. Discussion came alive when people began to move past formal assertions of equality – whether aspects of religion or Conventions – to confront inequality. Gender inequality (illustrated, for example, in the drama of role plays) was repeatedly the theme which blasted the structure open to scrutiny, often in combination with other aspects of structural discrimination, such as the vast unspoken presence of caste.

Discussion of rights and RBA exposed how development and underlying social relations are predominantly conceived, and the extent of change development is expected to bring about. The development structure consistently presented in Pakistan is bounded, hierarchical, mechanical and instrumental, treated as though separate from a bounded, hierarchical – but norms-filled – social structure underpinning it. Despite the growth of rights language and of participatory approaches, the Poverty Reduction Strategy Paper (PRSP) suggested (and RBA process confirmed) that development persists in being an exercise in ‘identifying’, ‘determining’, ‘supervising’, ‘targeting’ and ‘measuring’ impacts on a passive society. Dynamics within the RBA process, which were reflected in interviews and questionnaires, depicted a development structure which contains a cluster of people holding knowledge and expertise, controlling what can be discussed and what is open to change. Such a structure governed what and who were seen, and not seen, in counterparts’ (and donors’) ways of seeing development.

In every training, there was a default rush towards a formal, centralist approach which ‘delivers’ policies, services and rights. There was fierce resistance to approaches grounded in critical social analysis. Resistance reflected the lack of a framework for development programming touching the ground, and a much deeper reluctance towards opening up social and power relationships to scrutiny and change. There was an all-consuming concern with fixing the formal development delivery system. Different normative and regulatory forces and power relationships, which actually govern people’s lives, were kept outside the bounds of ‘development’. These include, for example, the powerful influence of interpretations of Islamic personal law or tribal law, or relationships in the ‘private’ or community sphere defined by gender, caste or other status. In group work in the RBA process, the underlying situation – in which groups from religious minorities are non-citizens, or people are kept in situations of bondage – was not acknowledged as one requiring change, let alone as a violation of rights. The structures and relationships creating and sustaining exclusion were therefore neither seen nor challenged, and the state was absolved of obligation or accountability on any basis. Attention dwelt on numbers (how much, how many) and on the existence and functioning

of physical facilities. Groups therefore aspired, at the most, to production of immunised bonded labourers or semi-educated non-citizens.

All aspects of the process indicated that development partners were operating in a development structure – and a deeper social structure – in which few were entitled to be creative or innovative. There was therefore a connected absence of accountability (individuals declined to take responsibility for instructions they had ‘only implemented’), but an intense presence of blame. Blame, together with responsibility and criticism, was projected outwards and away, continually cast onto others (particularly women). Discussion was littered with critiques of the system and corrupt sullied powers, but criticism was externalised – onto the ‘West’, the Government, “the whole catastrophe” (Sajid) – as if counterparts were disconnected from these abstractions and any responsibility for or role in them. Blame was equally projected downwards onto the uneducated, the needy individual, the dishonourable or disobedient women, the women who need to ‘catch up’ and “become helpful in development” (Q. 64). The strong undercurrent of blame was linked to the dominant understanding of power. It was linked to an underlying sense of powerlessness against authorities but at the same time to a threat of disorder and chaos (from the uneducated, from ‘Westernised’ women) if that authority were challenged. Disconnection from responsibility paralleled disconnection from society, particularly by men, even though they ascribed to themselves the role of social guardians; furious debates often centred on the question “*who is society?*” Responsibility was then thrust away from the ‘only-implementers’, so contributing to an air of neutrality around development in which everyone was absorbed in finding the best technical solutions to technical problems.

A formal, centralist approach ignores (although it operates through) the undertow of power, stasis and authority present in all aspects of the RBA training process. From the PRSP to group work, there were frequent references to empowerment – on the innocuous terms Moore (2002, 2001), Harriss (2002), Cornwall (2002) and others criticise – but there was abdication from acknowledging or analysing the operation of power (except for the exercise of power by donors and ‘the West’). Power and authority were overtly connected to religion, or to what assumed a religious guise in a context in which the

“desanctification of power” (Vatikiotis, 1987:25) is vigorously resisted. Power and authority were therefore presented in a way that “essentially puts them beyond the reach of the human rights laws” (Women Living Under Muslim Law, 1995:46). The notion of power circulating in the training was a reflection of visible forms of power in the wider context, where power “continued to be articulated in terms of coercive domination and quasi-religious authority ... rather than in terms of a modern law-based state distributing rights and duties between citizens” (Figes, 1996:809). A ‘power over’ conception functions through and reinforces a public-private divide, exercised (as role plays repeatedly demonstrated, for example) through autonomy in the private domain.

As all chapters indicated, religion was therefore a constant presence, used to safeguard the frontiers of society and culture, seal off the ‘private’ sphere, sanctify a certain structure of human organisation, and challenge the validity and legitimacy of any other standards. Religion was a prime source of power. In public spaces, it was a source of power overwhelmingly drawn upon by men. The version of Islam presented in the public spaces of the training was – as Kamalkhani (1998) critiques of knowledge of Islam in the West – partial, gendered, and fixed (derived from text and authoritative male interpretation). It expressed, as women repeatedly argued in private, authority over rather than the perspective of any ‘private’ female sphere. Any attempt at change, through more critically analytical roles, was resisted (which pointed to the underlying dread, described by Asghar Ali Engineer, of rationalism because it leads to scepticism, because it leads to doubt – Engineer, 2001). Use of religion gave people’s uses of language considerable power (Fulcher, 1989), as was indicated by the silence in public, compared with the many comments in questionnaires and interviews, about the ways in which religion is interpreted and used to serve particular interests.

Discussion of RBA collided with powerful certainties, particularly concerning human organisation, and especially concerning gender relations. A formal, centralist approach did not confront gender based or other inequalities or discrimination. Connected to externalising of responsibility, as Chapter 7 particularly examined, was denial of the existence of different forms of discrimination; where discrimination was recognised,



responsibility was again pushed away, often onto religious norms (following, Vatikiotis argues, the “extravagant indulgence” of shifting responsibility to the Deity – Vatikiotis, 1987:17). Verbally, in every training, discrimination against women was angrily denied by a culture (or those dominating it) which closed in on its private relationships against a critique from the outside. Relatively mild discussions, for example, about special transport being provided so women could be more mobile, would propel men out of their seats (including one who was an “International level gender trainer” – Dr Syed). In every training, denial of gender discrimination was contradicted by the relatively natural, uncontrived expression of role-plays where people stepped outside their institutional roles (V. Turner, 1967). Role-plays again and again depicted women and girls being “nobody”, being neglected, and being killed for ‘dishonouring’ the male. Role-plays therefore gave another indication, beside the formal, public assertions of equality, of the normality of human value being diminished, or even extinguished. Every training contained crises such as the one described in Chapter 5. In such crises, discrimination was almost always the force which broke through the polite façade and opened the possibility of change. Breakthroughs were most forceful (as Chapter 6 explored) where they were embedded in counterparts’ personal and social experiences.

Change came when those able to experience negotiating, or making, rights began to assert a voice against those who imagine they dispense them. As many counterparts argued, it came in cutting past the intermediaries who interpret people’s entitlements, particularly with reference to religion. A critical change was in some actors transforming their understanding of rights from bounded dispensations, flowing downwards. Many counterparts, by their own descriptions, moved from ‘having rights’ without locating any source of obligation, to a more two-way politicised relationship. Such a change was triggered, with a considerable amount of effort and resistance, in moments of confrontation like that explored in Chapter 5. Role-plays had unmasked unacknowledged, extremely unequal power relationships which were left hanging in the air, as if separate from the business of development. Critical social analysis connected such issues with a new understanding of development having any interest or role in changing them. Reconnecting with a rights concept, and with values, therefore triggered

critical social analysis which (for some actors and as Chapters 5 and 7 especially explore) brought walls crashing down around what counterparts were entitled to see, question and act upon. As a result, some individuals wrenched themselves out of structural boundaries, out of an overwhelmingly service- and number-centred focus which repeatedly declined to see situations in people-centred or value-based terms. Energy was released, as it was in the critical episode described in Chapter 5, like a dam breaking: to see people embedded in relationships and networks of power, to see situations of inequality, and to look back, from that perspective, at the service and wider structure, along lines of accountability. What individuals began to see relates to Sen's (1999:xii) central argument, that famine is not caused by failure in food supply (or lack of resources, corruption or "the whole catastrophe") but by failure of entitlements (what a person has by virtue of his or her rights) to adequate means of survival.

Change introduced through the RBA process, to the extent it could be examined in this thesis, was significantly concerned with ways of seeing. A new way of seeing, as trainers particularly argued, challenged a non-analytical education mode derived from people's rules and values being rigidly set for them. For some of those involved in the process, RBA meant looking profoundly differently at a static present – at 'what is' – from a transformed understanding of 'what ought to be'. A different understanding of 'what ought to be' therefore challenged not only what we do or how we do it, but what we *see* (V. Turner, 1967:95). Discussion began with failures caused by the 'blameable' ones and 'lack of resources', or by other causes against which individuals were helpless. It began to move, amongst trainers and with some counterparts in interviews, to relationships and distribution of power determining who is entitled to what (and to be what), and who is excluded in the process. Some counterparts and trainers began to look into the private or community sphere as the space where the worst violations often occur (Fenster, 1998; Moore, 2001) and as spheres which are legitimately open to challenge and change. They began to see gender relations less in terms of technical roles of who performs what task in the public world, than as constituted through power (White, 2002). Some trainers and counterparts, including those who had been working on women's rights for some time, began for the first time to justify a gender agenda less in terms of

some material good and instrumental goal than in terms of innate human value. As many women especially described in interviews, they began to meet men's protests with values such as equality which are deeply embedded in religion. Trainers' questions to participants – "If I have a right to life what's your responsibility as a society?" – expressed a radical change in their thinking, from development concerned with the system and in the interests of economic growth, to development centred in the person and responsive social and institutional relationships. Some individuals began to function from the position of social critics, rather than service technicians. They began to treat criticism as a social rather than an exclusively expert (planners') project (Ackerly, 2000).

A minority of the people involved in the RBA process in Pakistan therefore sought to unleash the energy of more active, politicised roles; they took an 'interpretive' approach which challenges the existing structure through people's own interpretations of core values and concepts. The majority understood RBA more narrowly and statically as implementing Conventions; they took a formal, centralist, 'rules' approach, concerned primarily with enforcement and controlled change (or improvement) by passing instructions down through the structure. Differences between interpretive and rules approaches parallel tensions between controlled, formal and open, process approaches, between legal pluralism and legal centralism, between actor-oriented and legalistic approaches, between interpreting vision and implementing injunctions. The two different models in operation – one tinkering with the structure and the other trying to transform it – are two parts of a whole, of the 'relational totality' of society (Giddens, 1987:87). As Victor Turner (1967:112) argues, a structure of social relations, ideas, and values, exists in dynamic relation to processes – including structural change – of which the structure is both product and regulator; the process "involves a 'becoming' as well as a 'being' vocabulary, admits of plurality, disparity, conflict of groups, roles, ideals, and ideas".

Moving from rules to interpretation centralises the role of the actor. A rules approach reinforces a context in which knowledge is dominated by the idea of authority, and knowledge itself is 'completed', a "solid immobile mass instead of a dynamic instrument" (Vatikiotis, 1987:37; see also Khundmiri, 2002). Stressing facts, knowledge

and expertise is a form of exclusion which keeps the agenda in the hands of the rules masters. An interpretive approach recognises that people's interaction with rules is always with their interpretation, by particular actors with particular interests, not with substantive rules themselves (Houtzager, 2001). If rules – in formal and informal normative and regulatory orders – are recognised as more accessible, changeable, interpreted and subjective, the social relations and the structure of which they are part become part of a construction, in which power and authority are more open to challenge and to change. The process in Pakistan indicates that some actors will use a rights framework to take the right to interpret out of the hands of those personifying the authority of the state and other sources of power. Some counterparts sought space to unravel and interrogate the structure, less through importing new rules than through working with a set of concepts to challenge those that exist. As Suleman indicated in Chapter 8, they contributed to breaking, or at least challenging, a chain of command; in a key expression of a new form of power, it becomes possible to not only look above for instructions but to begin independent forms of analysis and action. A rights framework can be used to link rights to persons who can make claims and claim active roles, whether those in positions of power choose to confer such recognition and entitlements or not. In contrast to memorising and implementing articles, RBA can be used in the deeper discovery of the right to have rights (Isin & Wood, 1999; Kabeer, 2002). This requires the ability to conceptualise rights – interpreting rather than enforcing rules – which enable realisation of other rights (Gaventa, 2002).

The majority of counterparts used RBA, if they used it at all, through a formal approach, to produce controlled outputs. RBA was being used by some counterparts and their partners with a process approach, to open up new spaces and the grounds upon which they negotiate for rights and relate to institutions. Some partners were moving out of a frame determined externally towards “autonomous forms of action” through which citizens create their own opportunities and terms for engagement:

Particular spaces may be produced by the powerful, but filled with those with alternative visions whose involvement transforms their possibilities, pushing its boundaries, changing the discourse and taking control. – Cornwall, 2002:50-2

Emerging independent processes promised to be of greater significance than isolated, vertical, activity-centred relationships within a narrow Country Programme framework or status quo of dominating institutions. However, there was a constant underlying tension between order and disorder, not only in relation to social change but to control of development processes. Returning to the themes raised in Chapter 1, there was a constant tension between short-term impacts (strengthening the Country Programme) and more chaotic, but more owned and potentially more strategic processes. As Mick Moore (2001) argues, international aid agencies may achieve more through indirect measures which transform the political and institutional environment (which requires, as a starting point, acknowledgement of the operation of politics and power rather than a depoliticised approach). Pro-poor change may mean investing more circuitously in relationships, enabling those who can drive change, rather than direct, sequential interventions (Eyben, 2003).

Many counterparts and trainers were criticising donors for throwing up and throwing out new concepts every year, without (as everyone commented of the RBA process) supporting counterparts to embed the last one. A minority of those involved in the RBA process were racing ahead of donors. They were critiquing donors' apolitical approaches and cosiness with Government. They argued that donors should work with a wider range of more radical partners because Government has no intention of mobilising the poor or of creating pressure on itself to deliver rights. They were demonstrating that RBA does not necessarily mean stepping into chaos as many counterparts feared; they demonstrated the opposite, in careful, reality-based planning with greater respect for, and strategic use of, rules and incremental, well-judged steps.

Some counterparts were 'waiting for the manual'. Others were creating their own versions of rights and RBA on terms, within relationships and with institutions making sense to them. As Windsor argues (1995:187), human rights 'become' in different cultures in different ways (expressed outside the West, for example, in reverence for age); adaptation from values to norms differs, and it is not possible to argue from

attempts to deal with these questions in one context to the historical experience of another. Lists of 'entry points' may be useful, but these and "the 'best practices' donors are so fond of seeking may have more limited transferability than they would like to think" (Cornwall, 2002:51). There can be a basis for dialogue on human rights between cultures but it has to be based on gradually elaborating a set of criteria "which might help to establish the ontology of becoming" rather than a universalist approach (Windsor, 1995:188; see also An-Na'im, 2001).

Those who did most with RBA were looking to the vision (and 'becoming') rather than the always temporal and contingent letter of the law (and 'being'); they were looking beyond the legally permissible to the ethically justifiable (Khundmiri, 2001:50; also Engineer, 1992). The process in Pakistan supported those who argue that the possibility of nurturing a human rights tradition depends on soil rather than a fixed interpretation of 'essence' (including, for Khundmiri, breaking through the "elitist tradition of medieval Islam" – 2001:272). Any mission of emancipating human beings cannot be imported as a model but can only grow through the various cultures that adapt, redefine and apply its norms (Ali, 2000:281; see also *Women Living Under Muslim Law*, 1995). Those who seized RBA therefore used it as a challenge to fixed ideologies (and their structural expressions), as a framework, rather than as a replacement ideology, to support their positions in underlying debates. Many counterparts argued, as Suleman did directly and Iqbal Sahib less directly, that the value was in cutting past those who interpret rules for society and say "Islam says ..."

The life force of a rights framework lies in actors rather than outputs; it lies in putting greater emphasis on agents and a little less, than has been the norm in Pakistan, on structure. RBA is not a 'thing' donors bring to counterparts who then deliver bounded outputs. It lies in different actors' different concepts of social and political change, within and across organisational boundaries. These confront and collide with one another, and create the spaces in which competing concepts of rights can achieve relevance and grow:

Precisely because human rights are in part circumstantial – that is, contingent on the re-interpretation of norms – and at the same time dynamic – that is concerned with the interpretation of becoming rather than the static definition of being – the cultures will continue to clash, and the re-adaptation of norms and values will continue to be painful ... however, that is exactly what is required. It *is* the clash, it *is* the pain of adaptation, which lead to the extension of human rights to greater numbers of people and to the creation of new rights. – Windsor, 1995:187

### 9.3 Conclusion: implications for theory, policy & practice

Treating a rights agenda as apolitical, by emphasising the externality of rules and standards while declining to dissect power dynamics, reinforces those who benefit from the current construction of power (Sustainable Livelihoods in Southern Africa, 2003; Johnson & Start, 2001; Kabeer, 2000). An interpretive approach, by contrast, is embedded in local contexts and power dynamics; it focuses on diversities, rather than asserting unities (Sen, 1992) and so unwittingly contributing to increased legitimacy of those who already control the agenda. Rights-based development means enlivened negotiation between those who want to preserve an existing structure and those who want to change it; its life force comes from the tension and clashing between the different politically-driven positions.

If our basic model of society is that of a ‘structure of positions’ (V. Turner, 1967:93), RBA was interpreted in ways which enabled some of those involved in the process in Pakistan to step outside their place within the structure. It enabled them to drop hierarchical and institutional roles and boundaries, and to step over existing boundaries around what development ‘is’ and is meant to achieve. Exploring RBA enabled some trainers and counterparts – particularly those who were personally or politically predisposed towards social and political change – to look at the structure from a different perspective and to re-engage with it more actively, creatively and politically. Some therefore began to evaluate the structure from a different vantage point, as Chapters 5 to 8 each explore, in their own terms and regardless of the dominant voices around them. They began to see a central pillar as the sanctity of the individual, however that may be interpreted, and others particularly as notions of equality and of accountability. Each pillar may be buttressed by Islam, by international standards, and by aspects of

individuals' political and values-based beliefs. Some began to look in a different way at what is, and what ought to be, constructed on top of the pillars. They began to move, for example, from statements about equality to look critically at the operation of inequality, which means looking at what they had earlier declined to see, the operation of power.

A minority (including, for example, Suleman) therefore began to interpret RBA in ways geared towards constructive structural change. Others involved in the process in Pakistan (for example, Iqbal Sahib) looked at the structure and saw a central pillar as difference, or inequality. Out of this pillar grows the different status of women and girls in relation to men and boys, on top of which is finely balanced the central institution of the family, and teetering precariously on top of that is a whole social order. For this larger group of individuals, interfering with the pillar by asserting the sanctity and freedom of the (female, 'non-Muslim', low caste) individual over the sanctity of the order would bring the whole construction – the temple – crashing down on their heads. Different individuals therefore saw profoundly different constructions and held profoundly different views of the implications of 'tampering' (and of their entitlement to tamper) with what they saw.

Exploring RBA therefore did not so much resonate with what individuals *do* as with *who they are*. Many counterparts stepped outside the structure, but what happened next depended on how they saw themselves – or who they saw themselves being or becoming – in relation to it. Those who benefit from the status quo tended to consider structural change as destructive (as Chapter 7 explored, to both personal and more structural positions). Others considered change as potentially positive, but did not have the support they needed to be able to act, or were waiting for change to happen elsewhere. Professional roles called into play a fragmented, technocratic aspect of individual being, reflecting a technocratic, socially disconnected development model. Where RBA strikes a chord, it profoundly resonates with or against more than individuals' technical selves; it also involves aspects of emotion, and political and value-based interests and belief. Neither the essence of RBA, nor breakthroughs in how individuals understood and used a rights framework, lay in the technical, the formal or the abstract. As Chapter 6 explored,



trainers who took an authoritative, socially disconnected and impersonal approach had little impact on counterparts. The deepest challenges and triggers of change – as Chapters 5, 6 and 7 each discussed – lie in the personal, the political and the connected. They do not lie in assertions of non-discrimination but in facing discrimination. Those who seized RBA spoke of having ‘internalised’ it, in contrast to a formal, centralist approach in which rights remain detached and external. They were connecting themselves and participants to the analysis rather than acting as observers. They were taking on more active, engaged, politicised roles, demonstrating through many contrasting sessions that it is not possible to convince even other development professionals to redistribute power – for example, to change the status of women, as mainstream development now claims to be doing – without believing in it oneself.

Those who seized RBA, and those – like Iqbal Sahib who were struggling with ideas of social change – therefore penetrated ‘public’ and ‘private’ divisions in themselves, as well as in their approach to development. Iqbal Sahib embodied a dialogue and collision between ‘Tradition’ and change, as did many women who described adjustments in their immediate relationships. Most women, unlike most men, discussed how they had had to develop a clearer understanding of their own rights before they could help to operationalise the rights of others; in contrast to the ever-present, implicit model of the fragmented, technocratic individual, they had had to move through a personal, politicised understanding before they could play an effective, more impersonal role (“I always thought it was not necessary for women to take part in decision making – now I think it’s very necessary”). Change, even for those who may stand to gain from it, therefore carried considerable risk (Crawford, 1991).

Counterparts who became enthused by a rights-based approach proceeded to use it as a framework (as national policy processes around the PRSP and dominant discussion did not) for connecting patterns of discrimination and inequality in ‘private’ space with mainstream development visions, relationships and processes. The barometer for every effective trainer was enthusiasm about gender equality. Khurshid (described in Chapter 6), Suleman (described in Chapter 8) and every effective trainer were explicitly comfortable about transforming relationships which are based in power, particularly

gender relationships; Iqbal Sahib, who was less convinced, nonetheless saw such transformations as the essence of RBA. Gender equality was repeatedly the issue triggering scrutiny and change. Throughout the RBA process, those with an interest in gender equality (as opposed to those making weaker acknowledgements of gender ‘perspectives’) were particularly driven to cut past the scaffolding, to reconnect with and assert core values. For many who had been gender activists for some time, RBA, they claimed, offered the first framework which enabled them to lift gender debates out of an instrumental track of justifying arguments according to the productivity and ‘usefulness’ of women and girls. Those who did not convey conviction about gender equality were unable to convey conviction about people making claims and acting as agents, rather than receiving rights; like those taking a rules approach, they were unable to cut deeply, to challenge or convince others, or to engage them in more active roles.

An authoritative, rules approach may bring about change, but of a controlled kind in which a greater quantity of rights are given and received, in which the experts and elites in the comfortable position of giving, enforcing and delivering are not exposed to challenge. Avoiding politics and power means avoiding discussion of gender-based and other forms of inequality, avoiding a particular structure of relations, and reinforcing assertions of equality over striking inequalities. It means ‘having’ rights – which may, in Pakistan, be of as much value as ‘everyone being equal’ – but not exercising them. Pluralist accounts may be more accurate reflections of reality but it is more difficult (and beyond the bounds of this thesis) to gauge how they actually act on that reality. The methods of this thesis focus on shifts as a result of training; they cannot verify changes – particularly sustainable changes – in practice, although other material is beginning to fill this gap (see Brocklesby & Crawford, 2004). Pluralist, process-centred, subjective approaches are unpredictable and open-ended. Donors face major challenges in working with and harnessing more power-centred and political, less controlled, approaches. Such approaches are practically and politically difficult to promote, to attribute, to embed in the order of organisations and to monitor; many participatory processes are captured at some level by particular interests (or may be vehicles, as Joshi and Moore [2000] caution, for promoting donor staff ideologies). Independent processes, the making of rights and pluralist, actor-oriented approaches sit uneasily with the order of organisations and are in

tension with the growing volume around achieving targets and ‘results based management’. Development processes which seriously promote rights and empowerment, beyond the interests of a narrow status quo, are therefore not only delicate (Moore, 2001) but are very time-consuming and difficult to do.

The thesis indicates, that responses to and elements of RBA must be understood within a spectrum, rather than in isolation. It indicates that, while formal processes are important, so are actors, power, ‘private’ space and relationships. Drivers of change may be structures and formal and informal institutions, as well as individual agents (DFID, 2003). However, the ways in which those agents view their relationship to structures and institutions, their mutability and potential for change, is critical for the possibility of change. Exploring RBA in Pakistan indicated that theories of the 1960s and 1970s – the power debate, the personal is the political, ideas of being and becoming – are returning with agendas which treat the actor as more than a vessel implementing instructions in linear ways. This time, ideas are returning through institutions, in the wake of agendas to which organisations have themselves subscribed. If RBA means acknowledging development partners (including ‘beneficiaries’ and ‘targets’) as agents, it means donors introducing radical change in development modes and relationships (IDS, August 2001); it particularly means taking some of the emphasis and value off the activity, which reinforces the existing structure, and placing more on the actor and long-term, structural change. RBA intensifies pressure on donors to introduce, on the basis of agendas they have themselves endorsed, profound changes in organisational norms and procedures, in behaviour and attitudes.

In practical terms in Pakistan, the case study indicates that donors need to get a much more serious grip on concepts – power, empowerment, politics, equality – which make up their own agendas. The RBA process occurred amidst a growing clamour of rights language, although the PRSP demonstrated that a rights discourse had scarcely dented mainstream policy processes. It also demonstrated that donors, as much as national partners, were unwilling to face the implications of rights agendas, particularly in challenging social and power relations. The PRSP demonstrated that there needs to be

much greater clarity over ends (gender mainstreaming leading to equality, as an aspect of RBA) versus means (the perspectives, the lenses, the analyses). The PRSP and RBA process in Pakistan indicated that donors have to take gender equality and wider commitment to rights much more seriously, including entertaining the possibility that staff may be fundamentally opposed to agendas to which agencies have signed up. They indicated that donors have to move out of an apolitical realm, sustained by a focus on providing children's rights, into much less comfortable areas defined by inequality and discrimination.

The approach to partnership (hierarchical, bounded, short-term) indicated something of donor approaches to rights, and the preference for controlled formal approaches over less controlled processes. The experience in Pakistan indicated a need to expand ideas of partnership if RBA is to be implemented, both (as is increasingly recognised) in nurturing new partners and in more reciprocal, equal development relationships (see Crawford, [2003] for issues in practice in Bangladesh). Underlying such a shift is a deeper change in facing the implications of the agendas to which development agencies are ascribing: supporting the status quo in achieving particular bounded outputs; or – particularly for those agencies claiming to have 'adopted' RBA – some deeper, more structural transformations grounded in serious explorations of core concepts such as 'empowerment' and 'equality', and in the hands of those who will challenge the status quo. The elite, those (in the experience in Pakistan) most consciously benefiting from the status quo, may go through some internal struggle and some significant change in their thinking, but they will tend to wait for change to happen elsewhere. Their support is important, but not enough. Those who responded positively to RBA tended to have at least one foot outside the status quo and therefore to have a perspective and motive from which to analyse and challenge it.

Those people who responded positively to RBA particularly pointed out that – while there is an increasing clamour of rights language and rights 'lenses' – donors particularly shun the ways in which rights are fundamentally implicated in politics and power, in transformation of social and wider institutional relationships. As one trainer, Sharif, argued (with exasperation), politics "means something transferring rights, transferring

basic needs, addressing my concerns” but most of the development community (especially the ‘foreign’ development community) abdicates from this area and is “afraid to use this word”. Depoliticised approaches do not make partners comfortable. They perpetually pointed out the political implications of the approach and the political role of the UN and other donors (while skipping over power issues within development). Significant impacts of the RBA process in Pakistan lay in partners creating their own independent processes to promote rights-based programming and support concrete processes of claiming rights. These occurred despite, rather than because of, the donor’s apolitical approach. Donors may, for political reasons, adopt a sanitised strategy which tackles rights issues circuitously, rather than directly. Operationalising RBA, however, relies upon other agents seizing its political implications rather than – as those who operated apolitically did – continuing to ‘spread the word’ of the Conventions. Many partners therefore demonstrated some change in language and attitude: the ‘needy individuals’ of Pakistan’s PRSP may now have rights and the state may be responsible for fulfilling them. A few began to move their sights from users of services and what people may be ‘given’, to analysing the relationships and distribution of power which determine who is entitled to what, and who is excluded in the process. Counterparts were divided between those looking out uneasily from the structure and those looking back at it critically from the perspective of those not served by it. The core divide running through issues of operationalising RBA is between ‘givers’ and ‘makers’ of rights, between those emphasising welfare and delivery, and those emphasising agency and the power to pursue claims.

Those who seized RBA presented a challenge to donors over how autonomous processes can fit within organisational boundaries, or how they can square with targets and attribution; they presented a challenge over how such an inherently political agenda can sit with donors’ political ‘neutrality’ and excruciating discomfort over discussion of power or engagement with ‘internal’, ‘private’ matters. In every training, critical analysis was fiercely resisted and development was treated as a technical exercise of delivery into tangible public spaces through an unseen and unquestioned structure. From the critical episode discussed in Chapter 5, some people began to use RBA to challenge a highly hierarchical, bounded, ‘outputting’ development model, and underlying structure, which

was disconnected from, and declined to 'see', social and power relations. Operationalising RBA means challenging power interests. Those who seized RBA and created significant impacts did so without waiting for donors to become comfortable with this fact; for them, it *is* ultimately this fact that gives RBA its force and value.

## Bibliography

- Abu-Lughod, Lila (ed.), *Remaking Women: Feminism and Modernity in the Middle East* (New Jersey: Princeton University Press, 1998)
- Ackerly, Brooke, *Political Theory and Feminist Social Criticism* (Cambridge: Cambridge University Press, 2000)
- Adler, Ruth, *Taking Juvenile Justice Seriously* (Edinburgh: Scottish Academic Press, 1985)
- Ahmed, Leila, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven and London: Yale University Press, 1992)
- Ali, Shaheen Sardar, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man?* (The Hague: Kluwer Law International, 2000)
- Ali, Shaheen Sardar and Baela Jamil, *The United Nations Convention on the Rights of the Child, Islamic Law and Pakistan Legislation: A Comparative Study* (Peshawar: Educational Computing Services and Publishers, 1994)
- Amnesty International, Annual Report on Pakistan (1999a)
- 'Violence Against Women: In the Name of Honour' (ASA 33/17/99, 1999b)
- 'Pakistan Juveniles Sentenced to Death' (ASA 33/08/99, March 1999c)
- 'Pakistan: No Progress on Women's Rights' (ASA 33/13/98, 1998)
- 'Pakistan: Time to Take Human Rights Seriously' (ASA 33/12/97, June 1997a)
- 'Women's Human Rights Remain a Dead Letter: No Progress Towards the Realisation of Women's Rights After the Ratification of CEDAW' (ASA/33/07/97, March 1997b)
- An-Na'im, Abdullahi Ahmed, 'The legal protection of human rights in Africa: how to do more with less', in A. Sarat and R. Kearns (eds.) *Human Rights: Concepts, Contests, Contingencies* (Ann Arbor: University of Michigan Press, 2001)
- 'Shari'a & basic human rights concerns' in Charles Kurzman (ed.), 'Introduction: liberal Islam and its Islamic context' in *Liberal Islam: a Source Book* (New York: Oxford University Press, 1998)
- (eds.), *Human Rights in Cross-Cultural Perspective: A Quest for Consensus* (Philadelphia: University of Pennsylvania Press, 1992)
- *Towards an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse: Syracuse University Press, 1990)
- An-Na'im, Abdullahi Ahmed and Francis M Deng (eds.), *Human Rights in Africa: Cross-Cultural Perspectives* (Washington: Brookings Institute, 1990)
- Ansari, M. T. (ed.), *Secularism, Islam and Modernity: Selected Essays of Alam Khundmiri* (New Delhi: Sage, 2001)
- Arce, A. and N. Long, *Anthropology, Development and Modernities* (London: Routledge, 2000)
- Aurat Foundation, 'Legislative Watch – Newsletter Issue No. 20 and 21', (Lahore: July-August, 2003)

- Bachrach, P. and Baratz, M., *Power and Poverty: Theory and Practice* (Oxford: Oxford University Press, 1970)
- 'Two faces of power' in *American Political Science Review* 56, 1962
- Balchin, Cassandra, Khawar Mumtaz and Farida Shaheed, 'The Woman Not the Womb, Population Control versus Women's Reproductive Rights', Women living under Muslim Law international Solidarity Network for Shirkat Gah, Grabels, France, *Special Bulletin* March 1994
- Baker, Rachel and Rachel Hinton, 'Do focus groups facilitate meaningful participation in social research?' unpublished draft chapter, 1998
- Baxi, Upendra, 'Globalisation – human rights amidst risk and regression' in 'Making law matter: rules, rights and security in the lives of the poor', *Institute of Development Studies (IDS) Bulletin*, 32, 1, January 2001
- Beckman, Franz von Benda, 'Legal pluralism and social justice in economic and political development' in 'Making law matter: rules, rights and security in the lives of the poor', *IDS Bulletin*, 32, 1, January 2001
- 'Comment on Merry' in *Law & Society Review*, Vol. 22, No. 5, 1988
- Bell, Diane, Pat Caplan and Wazir Jahan Karim (eds.), *Gendered Fields: Women, Men and Ethnography* (London: Routledge, 1993)
- Berger, John, *Ways of Seeing* (London: BBC/ Penguin, 1972)
- Bourdieu, Pierre [translated by M Adamson], In *Other Words: Essays Towards a Reflexive Sociology* (Stanford: Stanford University Press, 1990)
- [translated by Richard Nice], *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977)
- Brehm, Vicky Mancuso, 'Promoting effective North-South partnerships: a comparative study of ten European NGOs', *INTRAC Occasional Paper* No. 35, 2001
- Brettell, Caroline B. (ed.), *When They Read What We Write: The Politics of Ethnography* (Connecticut: Bergin and Garvey, 1993)
- Brocklesby, Mary Ann and Sheena Crawford, 'Operationalising the rights agenda: DFID's participatory rights assessment methodologies (PRAMs) project' (Centre for Development Studies, Swansea/ CR2 Social Development, Edinburgh, March 2004)
- Bryman, A., *Research Methods and Organisation Studies* (London: Allen and Unwin 1989)
- Buskens, Leon, 'An Islamic Triangle: Changing Relationships between Shari'a, State Law, and Local Customs' in *International Institute for the Study of Islam in the Modern World (ISIM) Newsletter* 5/00 (Leiden: ISIM, 2000)
- Butegewa, Florence, 'Limitations of the human rights framework for the protection of women' in *Claiming Our Place: Working the Human Rights System to Women's Advantage*, Institute for Women, Law and Development, Washington, 1993
- Callinicos, Alex, *Making History: Agency, Structure & Change in Social Theory* (Cambridge: Polity Press/Blackwell, 1987)
- Campbell, Tom D., 'The Rights of the Minor: As Person, As Child, As Juvenile, As Future Adult' in *International Journal of Law and the Family*, Vol. 6, 1992



- *The Left and Rights: A Conceptual Analysis of the Idea of Socialist Rights* (London: Routledge and Kegan Paul, 1983)
- Cooperative for Assistance and Relief Everywhere, Inc. (CARE), *Benefits-Harms: Facilitation Manual and Handbook* (Georgia: CARE, 2001)
- Carothers, Thomas, 'Aiding democracy abroad: the learning curve' (Washington DC: Carnegie Endowment for International Peace, 1999)
- Castells, Manuel, *The Information Age: Economy, Society and Culture, Volume II – The Power of Identity*, 2<sup>nd</sup> Edition (Oxford: Blackwell Publishing, 2004)
- Centre for Development Studies (CDS), Swansea and Associates/ Edinburgh Resource Centre (ERC), 'A background working paper on the Participatory Rights Assessment Methodologies (PRAMs) project', October 2002 draft
- Conway, Tim *et. al.*, 'Rights and livelihoods approaches: exploring policy dimensions', Natural Resources Perspectives No. 78 (London: ODI, May 2002)
- Cornwall, Andrea, 'Locating citizen participation', in John Gaventa, Alex Shankland and Joanna Howard, 'Making rights real – exploring citizenship, participation and accountability', *IDS Bulletin*, Vol. 33, No. 2, April 2002
- Cornwall, Andrea and John Gaventa, 'From users and choosers to makers and shapers: re-positioning participation in social policy', *IDS Bulletin*, vol 31, No. 4, 2001
- Cowan, Jane K., Marie-Benedicte Dembour and Richard Wilson, *Culture and Rights: Anthropological Perspectives* (Cambridge: Cambridge University Press, 2001)
- Crawford, Sheena, 'Participatory Rights Assessment (PRAss) and Rights-Based Development (RBD) in The Education Sector Support Programme (ESSP), Malawi - Lessons Learned So Far: A Guide to RBD in Practice' (Edinburgh: CR2, 2004)
- 'Design issues in urban health for Bangladesh', Paper for DFID (John Snow International and John Snow Bangladesh, October 2003)
- 'Risking change: women and development in the Republic of Yemen', Research paper for the Netherlands Government, 1991
- Crook, Richard, 'Introduction – making law matter: rules, rights and security in the lives of the poor', *IDS Bulletin*, 32, 1, January 2001
- Dahl, R. A., 'The concept of power' in Roderick Bell, David V. Edwards and R. Harrison Wagner (eds.), *Political Power: A Reader in Theory and Research* (New York: Free Press, 1969)
- Dalacoura, Katerina, *Islam, Liberalism and Human Rights: Implications for International Relations* (London: IB Tauris Publishers, 1998)
- Jones, Delmos J., 'Towards a native anthropology', *Human Organisation*, 29, Winter 1979
- Department for International Development (DFID), 'Drivers of change – outline of agenda', Public note (London: DFID, November 2003)
- 'How should DFID respond to PRSPs?', Africa Policy Department, February 2002

- 'Realising Human Rights for Poor People: Strategies for Achieving the International Development Targets' (London: DFID, 2000)
- DFID/ ODI, Rights-based approaches, Key sheets for sustainable livelihoods, No. 18, Policy Planning and Implementation, August 2003
- Donnan, Hastings, *Marriage Among Muslims: Preference and Choice in Northern Pakistan* (Delhi: Hindustan Publishing Corporation, 1988)
- Donnelly, Jack, 'Human rights and Western liberalism', in Abdullahi Ahmed An-Na'm and Francis M Deng (eds.), *Human Rights in Africa: Cross-Cultural Perspectives* (Washington: Brookings Institute, 1990)
- Dost Welfare Foundation, *Draft Report on Juvenile Cases in NWFP*, Dost Welfare Foundation, Peshawar, Feb 2000
- Douglas, Mary, *Risk and Blame: Essays in Cultural Theory* (London: Routledge, 1992)
- Douzinis, Costas, 'Identity, recognition, rights or what can Hegel teach us about rights?' in *Journal of Law and Society*, 29, 3, September 2002
- Doyal, L. and I. Gough, *A Theory of Human Need* (Basingstoke: MacMillan, 1991)
- Dworkin, R., *Taking Rights Seriously* (Cambridge, Harvard University Press, 1977)
- Eekelaar, John, 'The Importance of Thinking That Children Have Rights', *International Journal of Law and the Family* 6, 1992
- Eisner, Elliot W., 'On the differences between scientific and artistic approaches to qualitative research' in *Educational Researcher*, 10, 1981
- Engineer, Asghar Ali, 'Perspectives on Islam and philosophy' in Ansari (ed.), *Secularism, Islam and Modernity: Selected Essays of Alam Khundmiri*, (New Delhi: Sage, 2001)
- *The Rights of Women in Islam* (New York: St Martins Press, 1992)
- Escobar, A., *Encountering Development: the Making and Unmaking of the 3<sup>rd</sup> World*, (Princeton: Princeton University Press, 1995)
- Esposito, John L. and John O. Voll, *Islam and Democracy* (New York/ Oxford: Oxford University Press, 1996)
- Eyben, Rosalind, *Relationships Matter for Influencing Pro-poor Change in Asia*, Report submitted to the Asia Regional Policy Research Fund of DFID (Sussex: IDS, May 2003)
- Eyben, Rosalind with Usha Ramanathan, 'Rights-based approaches to inclusive development: perspectives on the implications for DFID India' (Sussex, IDS for DFID, October 2002)
- Eyben, Rosalind and Clare Ferguson, "Can Donors Shift to Rights-Based Relationships?" in (eds) Leslie Groves and Rachel Hinton *Inclusive Aid: Power and Relationships in International Development* (London: Earthscan, 2004)
- Farah, Madelain, *Marriage and Sexuality in Islam: a Translation of al-Ghazali's Book on the Etiquette of Marriage from the Ihya* (Utah: University of Utah Press, 1984)
- Farrington, J., 'Sustainable livelihoods, rights and the new architecture of aid', ODI Natural Resource Perspectives, No. 69, June 2001

- Feinberg, Joel, *Rights, Justice and the Bounds of Liberty: Essays in Social Philosophy* (Princeton, N. J.: Princeton University Press, 1980)
- Fenster, Tovi (ed.), *Gender, Planning and Human Rights* (London: Routledge, 1999)
- Ferguson, Clare, 'Global social policy principles: human rights and social justice', paper for DFID (London, April 1999)
- Ferguson, James, 'Anthropology and its evil twin' in F. Cooper and R. Packard (eds), *International Development and the Social Sciences: Essays on the History and Politics of Knowledge* (Berkeley: University of California Press, 1997)
- *The Anti-Politics Machine: 'Development' Depoliticization and Bureaucratic Power in Lesotho* (Cambridge: Cambridge University Press, 1990)
- Figes, Orlando, *A People's Tragedy: the Russian Revolution, 1891-1924* (London: Pimlico, 1996)
- Finch, J., *Research and Policy: the Uses of Qualitative Methods in Social and Educational Research* (London: Falmer Press, 1986)
- Foucault, Michel, *Power/ Knowledge* (New York: Harvester Wheatsheaf, 1977)
- Freeman, M. D. A., 'Taking Children's Rights More Seriously', in *International Journal of Law and the Family*, Vol. 6, 1992
- *The Rights and Wrongs of Children* (London and Dover N.H.: Frances Pinter Publishers, 1983)
- Fulcher, Gillian, *Disabling Policies? A Comparative Approach to Education Policy and Disability* (London/New York: Falmer Press, 1989)
- Gaventa, John, 'Introduction – exploring citizenship, participation and accountability', in John Gaventa, Alex Shankland and Joanna Howard, 'Making rights real – exploring citizenship, participation and accountability', *IDS Bulletin*, Vol. 33, No. 2, April 2002
- Geertz, Clifford, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983)
- Giddens, Anthony, *Modernity and Self Identity* (Cambridge: Polity Press, 1991)
- *Social Theory and Modern Sociology* (Stanford: Stanford University Press, 1987)
- *The Constitution of Society: Outline of the Theory of Structuration* (Berkeley: California, 1984)
- *Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis* (Berkeley, University of California Press, 1979).
- Goetz, Anne Marie and John Gaventa, 'Bringing citizen voice and client service into service delivery', *IDS Working Paper 138*, July 2001
- Goetz, Anne Marie, *Getting Institutions Right for Women in Development*, Zed Books, London, 1997
- 'Institutionalising women's interests and accountability to women in development', *IDS Bulletin* Volume 26, Number 3, 1995
- Goddard, Victoria Ana (ed.), *Gender, Agency and Change: Anthropological Perspectives* (London: Routledge, 2000)

- Gooneskere, Savitri, 'A rights based approach to realising gender equality', paper prepared for UN Division for the Advancement of Women, 1998
- Government of Pakistan (GoP), 'Pakistan Participatory Poverty Assessment: National Report' (Islamabad: GoP, July 2003a)
- 'Accelerating Economic Growth and Reducing Poverty: The Road Ahead – Poverty Reduction Strategy Papers (PRSP)' (Islamabad: Poverty Reduction Strategy Paper Secretariat, Ministry of Finance, December 2003b)
- 'National Policy for Development and Empowerment of Women' (Islamabad: Ministry of Women Development, Social Welfare and Special Education, March 2002)
- Draft National Policy for Women (Islamabad: Ministry of Women Development, Social Welfare and Special Education, April 2001 draft)
- 'Interim Poverty Reduction Strategy Papers (IPRSP)', (Islamabad: Policy Wing, Finance Division, Poverty Reduction Cell, Planning Commission, February and November 2001)
- 'National Policy and Action Plan to Combat Child Labour' (Islamabad: Child Labour Unit, Ministry of Labour, Manpower and Overseas Pakistanis, May 2000a)
- 'Devolution of Power and Responsibility: Establishing the Foundation of Democracy' (Islamabad: National Reconstruction Bureau, March 2000b)
- 'Local Government Plan' (Islamabad: Chief Executive Secretariat/ National Reconstruction Bureau, 2000c)
- 'Pakistan Fertility and Family Planning Survey' (PFFPS), (Islamabad: 1996-7a)
- 'Pakistan Integrated Household Survey Round 2' (PIHS), (Islamabad: Federal Bureau of Statistics, 1996-7b)
- *Constitution of the Islamic Republic of Pakistan* (Islamabad, 1973)
- Gott, Gil, 'Imperial Humanitarianism: history of an arrested dialectic', in Berta Esperanza Hernandez-Truyol (ed.), *Moral Imperialism: A Critical Anthology* (New York: New York University Press, 2002)
- Griffiths, Anne, 'Legal pluralism', in Reza Banakar and Max Travers (eds) *An Introduction to Law and Social Theory* (Oxford: Hart Publishing, 2002)
- 'Gendering culture: towards a plural perspective on Kwenan women's rights', in J. Cowan, M. Dembour. and R. Wilson, (eds.), *Culture and Rights: Anthropological Perspectives* (Cambridge: CUP, 2001a)
- 'Remaking law: gender, ethnography and legal discourse (review essay)', *Law and Society Review*, Vol. 35, No. 2, 2001b
- *In the Shadow of Marriage: Gender and Justice in an African Community* (Chicago, University of Chicago Press, 1997)
- Griffiths, John, 'What is legal pluralism?', *Journal of Legal Pluralism and Unofficial Law*, Vol. 24, No. 1, 1986

- Hakim, Catherine, *Research Design: Strategies and Choices in the Design of Social Research* (London: Unwin Hyman, 1987)
- Hamel, Jacques, with S. Dufour and Dominic Fortin, *Case Study Methods* (London: Sage Publications, 1994)
- Hammarberg, Thomas, 'The Convention on the Rights of the Child: New Attitudes to Children' in *Development J*, 1996
- Hamersley, Martyn, 'Ethnography and participant observation', in Norman K. Denzin and Yvonna S. Lincoln (eds.), *Handbook of Qualitative Research* (California: Sage Publications, 1994)
- Hannan, Carolyn, 'From concept to action: gender mainstreaming in operational activities', Paper prepared for the Technical Review Meeting, Assessment of Gender Mainstreaming and Empowerment of Women in Sub-Saharan Africa (review of UNDP activities) (New York: UN HQ, 20-21 March 2000)
- Hargreaves, A., 'The Micro-Macro Problem in the Sociology of Education' in R. G. Burgess (ed.), *Field Methods in the Study of Education* (London: Falmer Press, 1985)
- Harriss, John, 'Civil society: universal concept of donor fad?' from 'Putting politics back into development: are we getting there? (London: ODI/ Destin-LSE joint meeting series, meeting report, June 2002)
- Hartsock, N. 'Foucault on power: a theory for women?' in L. Nicholson (ed.) *Feminism/Postmodernism* (London and New York: Routledge, 1990)
- *Money, Sex, and Power: Towards a Feminist Historical Materialism* (New York: Longman, 1984)
- Heelas, Paul, Scott Lash and Paul Morris, *Detraditionalization: Critical Reflections on Authority and Identity* (Oxford: Blackwell, 1996)
- Henry, S., 'Community justice, capitalist society and human agency: the dialectics of collective law in the cooperative', *Law and Society Review*, Vol. 19, 1985
- Higgins, Rosalind, *Problems and Process: International Law and How We Use It* (Oxford: Clarendon Press, 1994)
- Hirsch, Susan F., *Pronouncing and Persevering: Gender and the Discourses of Disputing in an African Islamic Court* (Chicago: University of Chicago Press, 1998)
- Holy, Ladislav and Milan Stuchlik, *Actions, Norms & Representations: Foundations of Anthropological Inquiry* (Cambridge: Cambridge University Press, 1983)
- *The Structure of Folk Models* (London: Academic Press, 1981)
- Hossain, N. and Mick Moore, 'Elites and poverty in developing countries: are donors missing opportunities to engage constructively?', *IDS Working Paper 148*, 2001
- Houtzager, Peter P., 'We make the law the law makes us: some ideas on a law in development research agenda' in 'Making law matter: rules, rights and security in the lives of the poor', *IDS Bulletin*, 32, 1, January 2001
- Houtzager, Peter P. and Jonathan Pattenden, 'Finding the shape of the mountain: when 'the poor' set the agenda" (IDS, University of Sussex, paper prepared for DFID, 1999)

- Human Rights Commission of Pakistan (HRCP), *The Gender Question* (Islamabad: Human Development Centre, 2000)
- *State of Human Rights in 1999* (Lahore: HRCP, 1999)
- *State of Human Rights in 1998* (Lahore: HRCP, 1998)
- *State of Human Rights in 1997* (Lahore: HRCP, 1997)
- Human Rights Watch (HRW), *Prison Bound: the Denial of Juvenile Justice in Pakistan* (New York: HRW, November 1999a)
- *Crime or Custom? Violence Against Women in Pakistan* (New York: HRW, August 1999b)
- Huntington, Samuel P., 'The clash of civilizations?' in *Foreign Affairs*, 72, 3, 1993, pp. 22-49
- Institute of Development Studies (IDS), 'The rise of rights: rights based approaches to international development', Policy Briefing, Issue 17, May 2003
- 'The new dynamics of aid: power, procedures and relationships', Policy Briefing Issue 15, August 2001
- International Monetary Fund/ International Development Association (IMF/ IDA), 'Pakistan: Joint Staff Assessment of PRSP Preparation Status Report', January 2003
- Imran, M., *Ideal Woman in Islam*, 6<sup>th</sup> ed, (Lahore: Islamic Publications, 1990)
- Inter-agency Group on Gender and Development (INGAD), 'Comments from a Gender Perspective on the Interim Poverty Reduction Strategy Paper (IPRSP) for the UN Resident Co-ordinator' (Islamabad: INGAD, June 2001)
- Isin, E. and P. Wood, *Citizenship and Identity* (London: Sage, 1999)
- Jehangir, Asma and Hina Jilani, *The Hudood Laws: A Divine Sanction?* (Lahore: Rohtas Books, 1990)
- Jeffery, Patricia, *Frogs in a Well: Indian Women in Purdah* (London: Zed Press, 1979)
- Jentsch, B., 'The Interpreter Effect: Rendering Interpreters Visible in Cross-Cultural Research and Methodology', *Journal of European Social Policy*, Vol. 8, 1998
- Johnson, Craig and Daniel Start, 'Claims and Capture: understanding the Politics of Pro-poor Policy', *ODI Working Paper 145*, 2001.
- Jones, E. and J. Gaventa, 'Concepts of citizenship: a review', *IDS Development Bibliography*, 19, IDS, Sussex, 2002
- Jones, Peter (ed.), *Rights: Issues in Political Theory* (London: MacMillan, 1994)
- Joshi, A. and Moore, 'The Mobilising Potential of Anti-Poverty Programmes,' *IDS Discussion Paper 374*, 2000
- Kabeer, Naila, *Gender Mainstreaming in Poverty Reduction and the Millennium Development Goals: A Handbook for Policy Makers and Other Stakeholders*, Commonwealth Secretariat, London, 2003
- 'Citizenship, affiliation and exclusion: perspectives from the South', in John Gaventa, Alex Shankland and Joanna Howard, 'Making rights real – exploring citizenship, participation and accountability', *IDS Bulletin*, Vol. 33, No. 2, April 2002
- Kamali, Mohammad Hashim, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 1991)

- Kamalkhani, Zahra, *Women's Islam: Religious Practice Among Women in Today's Iran*, (London: Kegan Paul International, 1998)
- Kandiyoti, Deniz, 'Some awkward questions on women and modernity in Turkey', in Abu-Lughod (ed.), *Remaking Women: Feminism and Modernity in the Middle East*, (Princeton, N. J.: Princeton University Press, 1998)
- (ed.), *Gendering the Middle East: Emerging Perspectives* (London: Syracuse University Press, 1996)
- 'Women, Islam and the state: a comparative approach' in Juan R. I. Coles (ed.), *Comparing Muslim Societies: Knowledge and the State in a World Civilisation* (Ann Arbor, University of Michigan Press, 1992)
- Keeley. J. (2002) '*Influencing Policy Processes for Sustainable Livelihoods: Strategies for Change*' (Sussex: IDS, 2002)
- Khadduri, Majid, *The Islamic Conception of Justice* (Baltimore: Johns Hopkins University Press, 1984)
- Khan, A., *Women and the Pakistan Government: A Brief Policy History* (Islamabad: UNDP Gender Unit, 1998)
- Khan, Mazhar ul Haq, *Purdah and Polygamy: a Study in the Social Pathology of the Muslim Society* (Peshawar cantonment: Narshirah-e-ilm-o-Tariqiyat, 1972)
- Khundmiri, Alam, 'A critical examination of Islamic tradition with reference to the demands of modernisation'; 'Religion and application to modern life'; 'Tension between morality and law in Islam'; 'Islam and democracy'; 'Man's nature and destiny in the philosophical view in Islam', in Ansari, M. T. (ed.), *Secularism, Islam and Modernity: Selected Essays of Alam Khundmiri*, (New Delhi: Sage, 2001)
- Klug, Francesca, *Values for a Godless Age: The Story of the UK's New Bill of Rights* (London: Penguin, 2000)
- Knudsen, Are, 'Licence to kill: honour killings in Pakistan', Working Paper, 2004:1, Chr. Michelsen Institute, Development Studies and Human Rights (Bergen: CMI, 2004)
- Kramer, Gudrun, 'On Difference and Understanding: the Use and Abuse of the Study of Islam', ISIM Annual Lecture in *ISIM Newsletter 5/2000*
- Kurzman, Charles (ed.), 'Introduction: liberal Islam and its Islamic context' in *Liberal Islam: a Source Book* (New York: Oxford University Press, 1998)
- Lazreg, Maria, *The Eloquence of Silence: Algerian Women in Question* (New York: Routledge, 1994)
- Lewis, Bernard, 'The return of Islam', *Commentary*, January 1976
- Lewis, David *et. al.*, 'Practice, power and meaning: frameworks for studying organisational culture in multi-agency rural development projects', *Journal of International Development*, Vol. 15, No. 5, 2002
- 'Inter-Agency Partnership In Aid-recipient Countries: Lessons From An Aquaculture Project In Bangladesh', *Non-profit and Voluntary Sector Quarterly*, Vol. 27, No. 3, 1998
- Lipsky M, *Street-level Bureaucrats: Dilemmas of the Individual in Public Services* (New York: Russell Sage, 1980)
- Lister, Ruth, *Citizenship: Feminist Perspectives*, 2<sup>nd</sup> Edition (Basingstoke: Palgrave Macmillan, 2003)

- Long, N. and A. Long (eds.), *Battlefields of Knowledge: the Interlocking of Theory and Practice in Social Research and Development* (Routledge: London, 1992)
- Luckmann, Thomas, 'The privatisation of religion and morality' in Heelas, Paul, Scott Lash and Paul Morris, *Detraditionalization: Critical Reflections on Authority and Identity* (Oxford: Blackwell, 1996)
- Lukes, Steven, *Power: A Radical View* (London and Basingstoke: Macmillan Press, 1974)
- (ed.), *Power* (New York: New York University Press, 1986)
- Lusthaus, Charles, Marie-Helene Adrien, Mark Perstinger, 'Capacity development: issues and implications for planning, monitoring and evaluation', *Universalial Occasional Paper* No. 35 (Montreal: Universalial, 1999)
- Mahmood, T., 'Pakistan: Family Law and the Protection of Women', *Journal of Family Law*, Vol. 28, 1990
- Malik, I. H., *State and Civil Society in Pakistan: Politics of Authority, Ideology and Ethnicity* (Oxford: MacMillan, 1997)
- Mandelbaum, David G., *Women's Seclusion and Men's Honour: Sex Roles in North India, Bangladesh and Pakistan* (Tucson: University of Arizona Press, 1988)
- Marsden, D. and P. Oakley, eds, *Evaluating Social Development Projects*, Development Guidelines No. 5 (Oxford: Oxfam, 1990)
- Martin, R. & J. W. Nickel, 'Recent Work on the Concept of Rights', *American Philosophy Quarterly* 17, 3, 1980
- Maudoodi, Abdul A'la, *Human Rights and Islam*, 3<sup>rd</sup> English Edition (Delhi: Izhaat-e-Islam Trust Publications, [1975] 1993)
- Maxwell, Simon, 'Heaven or hubris? Reflections on the new 'new poverty agenda'', *Development Policy Review*, Vol. 21, No. 1, 2003
- 'Innovative and important, yes, but also instrumental and incomplete: the treatment of redistribution in the new New Poverty Agenda' in *Journal of International Development*, Vol. 13, 2001
- McCann, Michael, 'How does law matter for social movements?', in Bryant Garth and Austin Sarat (eds.) *How Does Law Matter?* (Evanston, Illinois: North Western University Press, 1998)
- McGee, Rosemary, 'Participating in Development', in eds. U. Kothari and M. Minogue, *Development Theory and Practice: Critical Perspectives*, Basingstoke: Palgrave, 2002
- McGee, Rosemary with Josh Levene and Alexandra Hughes, 'Assessing participation in Poverty Strategy Papers: a desk-based synthesis of experiences in Sub-Saharan Africa', (Sussex: IDS Participation Group, January 2002)
- McIvor, Chris, 'Some Reflections on Integrated Child Rights Programming, Zimbabwe Programme', Save the Children internal discussion paper, August 1999
- Mernissi, Fatima, *The Veil and the Male Elite: a Feminist Interpretation of Women's Rights in Islam* (Reading MA: Addison Wesley, 1991)
- *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society* (London: Al Saqi, 1985 [1975])



- Merry, Sally Engel, 'Legal pluralism and transnational culture: the Ka Ho'okolokolonui Kanaka Maoli tribunal, Hawai'i, 1993' in Richard Wilson (ed.) *Human Rights, Culture and Context: Anthropological Perspectives*, (London: Pluto Press, 1997)
- 'Legal pluralism', in *Law and Society Review*, Vol. 22, No. 5, 1988 -
- Minnow, M. and E. Spelman, 'In context', *Southern California Law Review*, Vol. 63, 1990
- Mir-Hosseini, Ziba, *Islam and Gender: the Religious Debate in Contemporary Iran* (New York: Princeton University Press, 1999)
- Mitchell, J. C., 'Case and situation analysis', in *The Sociological Review*, Vol. 31, 1983
- Mkandawire, Thandika, 'Social policy in a development context', *Social Policy and Development Programme Paper* No. 7, United Nations Research Institute for Social Development, June 2001
- Moore, Mick, 'Types of political systems: a practical framework for DFID staff', paper prepared for DFID advisers' retreat (Sussex: IDS, revised August 2002)
- 'Empowerment at last?' *Journal of International Development*, Vol. 13, 2001
- Moore, Mick and J. Putzel, 'Thinking Strategically about Politics and Poverty,' *IDS Working Paper* 101, 1999
- Moser, Caroline, *Gender Planning and Development: Theory, Practice and Training* (London: Routledge, 1993)
- Moser, Caroline, Andy Norton, et. al., *To Claim our Rights: Livelihood Security, Human Rights and Sustainable Development*, ODI, London, 2001
- Mutebi, Fred Golooba, Simon Stone and Neil Thin, 'Institutionalising the PRSP approach in Rwanda', in *PRSP Institutionalisation Study: Final Report* (Oxford: Oxford Policy Management, September 2001)
- Narayan, Deepa et. al., *Voices of the Poor: Can Anyone Hear Us?* (New York: Oxford University Press for the World Bank, 2000)
- Nasr, Seyyed Hossein, 'The concept and reality of freedom in Islam and Islamic civilisation' in Alan S Rosenbaum (ed.) *The Philosophy of Human Rights: International Perspectives* (Westport, Connecticut: Greenwood Press, 1980)
- Nelson, Nici and Susan Wright, *Power and Participatory Development: Theory and Practice* (London: Intermediate Technology Publications, 1997)
- North, Douglas, *Institutions, Institutional Change and Economic Performance*, (Cambridge: Cambridge University Press, 1990)
- Norton, Andy, Tim Conway and Mick Foster, 'Social protection concepts and approaches: implications for policy and practice in international development' (London: Centre for Aid and Public Expenditure, ODI, February 2001)
- Nussbaum, Martha C., *Women and Human Development: the Capabilities Approach* (Cambridge: Cambridge University Press, 2000)
- Nyamu-Musembi, C., 'Towards an actor-oriented perspective on human rights', *IDS Working Paper* 169 (Sussex: IDS, October 2002)

- O'Donnell, Guillermo, 'Democracy, law and comparative politics', IDS *Working Paper* 118, Law, Democracy and Development Series (Sussex: IDS, June 2000)
- Okin, Susan Moller, 'Poverty, well-being and gender: what counts, who's heard?', *Philosophy and Public Affairs*, Vol. 31, No. 3, Summer 2003
- O'Neill, Onora, *Children's Rights and Children's Lives*, 1992 (full cit.)
- O'Sullivan, Declan Patrick, 'Al-Islam: an alternative approach to the universal protection of human rights' in *Islamic Quarterly*, XLI, 2, 1997
- Overseas Development Institute (ODI), Key sheets: a Rights Based Approach (London: ODI, August 2003)
- 'DFID's engagement with PRSPs', Synthesis Note 2 (London: ODI, February 2002)
- 'Key findings on PRSPs to date', Synthesis Note 1 (London: ODI, September 2001)
- 'Economic theory, freedom and human rights: the work of Amartya Sen', *ODI Briefing Paper* (London: ODI, November 2001)
- Pakistan NGO Coordinating Committee for Beijing Plus Five, 'Pakistan NGO Review – Women 2000: Gender Equality, Development and Peace for the 21<sup>st</sup> Century' (Karachi: NGO Coordinating Committee, February 2000)
- Paidar, Parvin, 'Feminism and Islam in Iran' in Kandiyoti, Deniz (ed.), *Gendering the Middle East: Emerging Perspectives* (London: Syracuse University Press, 1996)
- Pal, Izzud-Din, Pakistan, *Islam and Economics: Failure of Modernity*, (Oxford Pakistan Paperback, Oxford University Press, 1999)
- Paris, Chris, *Critical Reading in Planning Theory* (Oxford: Pergamon Press, 1982)
- Patton, M. Q., *Qualitative Evaluation and Research Methods*, 2<sup>nd</sup> Edition (California: Sage, 1990)
- Pearl and Menski, *Muslim Family Law*, 3<sup>rd</sup> Edition (London: Sweet and Maxwell, 1998)
- Piron, Laure-Hélène, 'The right to development: A review of the current state of the debate for the Department for International Development' (London: DFID, April 2002)
- 'Learning from the UK Department for International Development's rights-based approach to development assistance' (London: ODI, July 2003)
- Pirzada, Sayyid A. S., *The Politics of the Jamiat Ulema-i-Islam Pakistan, 1971-77* (Oxford: Oxford University Press, 2000)
- Putzel, J 'Thinking about civil society and political parties: Challenges for development assistance', Paper for DFID, 2002
- Ramazani, R. K., 'Introduction', in Majid Khadduri, *The Islamic Conception of Justice* (Baltimore: Johns Hopkins University Press, 1984)
- Roberts, Robert, *The Social Laws of the Qoran Considered and Compared with those of the Hebrew and other Ancient Texts* (London: Curzon Press, [1925] 1980)
- Rosenbaum, Alan S, (ed.), *The Philosophy of Human Rights: International Perspectives* (Westport, Connecticut: Greenwood Press, 1980)

- Rosenblatt, P. C., 'Ethnographic Case Studies' in M. B. Brewer and B. E. Collins (eds.), *Scientific Inquiry and the Social Sciences* (San Francisco: Jossey-Bass Publishers, 1981)
- Rowlands, J., 'What is empowerment? The challenge or research 'Women, Empowerment and Development in Honduras'', unpublished paper, GAPP conference on Participatory Development, Goldsmith's College, London (July, 1992)
- Said, Edward W., *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (London: Routledge & Kegan Paul, 1981)
- *Orientalism* (Middlesex: Penguin, 1978)
- Salvatore, Armando, *Islam & the Political Discourse of Modernity* (Reading: Ithaca, 1997)
- Sarat, Austin and Thomas R. Kearns (eds.), *Human Rights: Concepts, Contests, Contingencies* (Ann Arbor: University of Michigan Press, 2001)
- Save the Children Alliance, 'Child Rights Programming: How to Apply Rights-based Approaches in Programming – A Handbook for Save the Children Alliance Members', December 15<sup>th</sup>, 2001
- Schacht, Joseph, *An Introduction to Islamic Law* (Oxford: Clarendon Press, [1964] 1982)
- Scheffler, H. W., *Choiseul Island Social Structure* (Berkeley: University of California Press, 1965)
- Schuler, Margaret, 'Challenges and strategies' in *Claiming Our Place: Working the Human Rights System to Women's Advantage* (Washington DC: Institute for Women, Law and Development, 1993)
- Secord, Paul F. (ed.), *Explaining Human Behaviour: Consciousness, Human Action and Social Structure* (Beverly Hills: Sage Publications, 1982)
- Sen, Amartya, *Development as Freedom* (Oxford, OUP, Oxford, 1999)
- *Inequality Re-examined* (Oxford: Oxford University Press, 1992)
- 'Gender and cooperative conflicts' in Irene Tinker (ed.), *Persistent Inequalities: Women and World Development* (New York: Oxford University Press, 1990)
- Shakry, Omnia, 'Schooled mothers and structured play: child rearing in turn of the century Egypt', in Lila Abu-Lughod (ed.), *Remaking Women: Feminism and Modernity in the Middle East* (New Jersey: Princeton University Press, 1998)
- Singer, J. 'Property and coercion in federal Indian law: the conflict between critical and complacent pragmatism' in *Southern Californian Law Review*, Vol. 63, 1990
- Stern, Nicholas (World Bank, Senior Vice President & Chief Economist), 'Investing for growth and poverty reduction: institutions and people', Speech delivered in Islamabad, March 29, 2001
- Stoecker, R., 'Evaluating and Rethinking the Case Study', *Sociological Review*, Vol. 39, 1991
- Strauss, Anselm and Juliet Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (London: Sage, 1990)
- Sustainable Livelihoods in Southern Africa (SLSA), 'Making rights real for poor people in rural areas of Southern Africa' (2003 – full source on Eldis)
- Sutton, Rebecca, 'The policy process: an overview', *ODI Working Paper 118* (London: ODI, August 1999)
- Swedish International Development and Cooperation Agency (SIDA), 'A democracy and human rights based approach to development cooperation' (Stockholm: Ministry for Foreign Affairs/ SIDA, 2001)

Sweetman, Caroline, 'Introduction', *Gender and Development: Women and Culture*, 3, 1, February 1995

Tamanaha, Brian Z., 'The folly of the "social scientific concept" of legal pluralism' in *Journal of Law & Society*, Vol. 20, No. 2, 1993

Tibi, Bassam, *Islam Between Culture and Politics* (Basingstoke: Palgrave, 2001)

Thin, Neil, 'Human Rights Assessment: Institutions, Practice and Prospects for Improving Participatory Approaches', Discussion paper for Social Development retreat, September 2001

Thin, Neil and Mary Underwood with Jim Gilling, 'An examination of Sub-Saharan Africa's existing Poverty Reduction Strategy Papers (and associated documentation) from Social Policy and Sustainable Livelihoods Perspectives' (Oxford: Oxford Policy Management for DFID, 2001)

Tierney, Alison, 'Consultation with civil society', paper for West Asia Department, DFID (London, September 1998)

Tilly, Charles, *Durable Inequality* (Berkeley: University of California Press, 1998)

Turner, Jonathan H., *A Theory of Social Interaction* (Stanford, CA: Stanford University Press, 1988)

Turner, Victor, *The Forest of Symbols: Aspects of Ndembu Ritual* (London: Cornell University Press, 1967)

United Nations Economic and Social Council (ECOSOC), 'Mainstreaming the gender perspective into all policies and programmes in the United Nations system', Extract from the report of the Economic and Social Council for 1997, Agreed Conclusions (A/52/3, 18 September 1997/2)

UN Secretary General: Road map for Millennium Declaration, A/56/326, 6 Sep 2001

United Nations System, Pakistan, 'Common Country Assessment' (Islamabad: UN System, 2003)

---- 'Common Country Assessment', Draft 4, 17 January 2002

---- Directory of Gender Related Projects Conducted by the UN in Pakistan (Islamabad: UN System, 2001)

United Nations Development Programme (UNDP), *Human Development Reports*, 2003, 2000, 1997, 1996

United Nations High Commissioner for Human Rights (UNHCHR), 'The human rights approach to development: what, why and how?', Presentation from Human Rights Training for UN Agencies (Bangkok, October 2003)

---- 'Draft guidelines: a human rights approach to poverty reduction strategies' (Geneva: UNHCHR, 2002)

UNICEF, Outcome Document: Second Global Consultation on Human Rights Based Approach to Programming (Quito, 21-24 September 2003)

---- Medium Term Strategic Plan for the Period 2002-2005, version of May 2002a

---- *Programme Policy and Procedure Manual*, version of April 2002b

---- A Human Rights-Based Approach to UNICEF Programming, HQ training package, version 5, New York, 2000

---- Programme Cooperation for Children and Women for a Human Rights Perspective, UNICEF Executive Board – Plans, Policies and Strategies, E/ICEF/1999/11 (June 1999)

---- Guidelines for Human Rights-Based Programming Approach Executive Directive, CF/EXD/1998-004, New York, April 1998

UNICEF Pakistan, 'Assessment of Basic Competencies (ABC) Survey', (Islamabad:1995)

Unsworth, Sue, 'Better Government for Poverty Reduction: What More Could Donors Do?', DFID draft, 2003A

---- 'Better Government for Poverty Reduction: More Effective Partnerships for Change: Selected Readings' (London: DFID, 2003B)

---- Understanding incentives and capacity for poverty reduction: what should donors do differently? Internal discussion paper (London: DFID, 2002)

---- 'Understanding pro-poor change: A discussion paper' for DFID, September 2001

Uphoff, N., *Local Institutional Development: An Analytical Sourcebook with Cases* (West Hartford, Connecticut: Kumarian Press, 1986)

Vatikiotis, P. J., *Islam and the State* (Kent: Croom Helm, 1987)

Weerelt, Patrick van, 'A human rights-based approach to development programming in UNDP – adding the missing link', (Geneva: Human Rights Strengthening Programme – Hurist, United Nations Development Programme, August 2001)

---- 'The application of a human rights-based approach to development programming: what is the added value?', Discussion paper, (Geneva: Human Rights Strengthening Programme – Hurist, United Nations Development Programme, 2000)

VeneKlasen, Lisa with Valerie Miller, *A New Weave of Power, People and Politics: the Action Guide for Advocacy and Citizen Participation* (Washington DC: Just Associates/ World Neighbours, 2003)

Waldron, J. (ed.), *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man*, (London/New York: Methuen, 1987)

Weber, Max, *Economy and Society: an Outline of Interpretive Society*, G. Roth and C. Wittich (eds.), (Berkeley California: 1978)

Weinbaum, M., 'Civic Culture and Democracy in Pakistan', *Asian Survey*, Vol. 36, No. 7, 1996

Wilson, Richard A. (ed.), *Human Rights, Culture and Context: Anthropological Perspectives* (London: Pluto Press, 1997)

White, Sarah, 'Being, becoming and relationship: conceptual challenges of a child rights approach in development', *Journal of International Development*, 14, 2002

Whitehead, Ann, 'Failing women, sustaining poverty: gender in poverty reduction strategy papers', Report for the UK Gender and Development Network (London: Christian Aid, May 2003)

Windsor, Philip, 'Cultural dialogue in human rights', in M. Desai and P Redfern (eds.) *Global Governance: Ethics and Economics of the World Order* (London: Pinter, 1995)

Women Living Under Muslim Law (WLUML), 'Culture and the law in Islam' in *Gender and Development: Women and Culture*, 3, 1, February 1995

Wood, Angela, 'The ABC of the PRSPs: An introduction to the new Bank and Fund Poverty Reduction Strategy Papers' (Bretton Woods Project, April 2000)

Woodman, Gordon R., 'Ideological combat and social observation: recent debate about legal pluralism' in *Journal of Legal Pluralism and Unofficial Law*, 42, 1998

World Bank, Poverty Reduction Strategy Sourcebook (Washington: PREM Unit, February 2001)

World Food Programme (WFP), 'Final Evaluation of WFP's Commitments to Women, 1996-2001: Country Case Study – Pakistan, 3-17 Feb 2002' (April 2002)

Yin, R. K., *Case Study Research: Design and Methods* (London: Sage, 1984)

Zahid *et. al.*, *Report of the Commission of Inquiry for Women*, (Islamabad: Commission of Inquiry for Women, August 1997)